

DRAKE NEIGHBORHOOD ASSOCIATION

**SPECIAL
BOARD MEETING**

Tuesday, November 2, 1999, 7:00 p.m.

First Christian Church
25TH & University, Room 401

Agenda

Walgreens

On October 21 the Plan and Zoning Commission heard comments regarding the proposed Walgreens at 31st and University. The Commission voted to postpone action for two weeks to allow Walgreens, Drake University, and Drake Neighborhood Association to continue to attempt to reach a resolution. As a result of the P & Z action, and anticipating revised plans from Walgreens, I am scheduling a special board meeting. I will send additional notice if more information becomes available prior to the meeting.

Mac (274-1910)

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

ABSENT: Dave Little and Scott Saylor

STAFF PRESENT: Gary Lozano, Erik Lundy, and Deb Atkins

James Dietz-Kilen moved to approve the Minutes of the October 21, 1999 P & Z meeting with a correction on page 8 regarding his comment with respect to fences. His intention was not to single out wrought iron fences, but to point out that he thought the Commission was trying to ensure the Walgreen's project be as pedestrian friendly as possible and he felt a substantial fence works against that. All voted in favor of the minutes with that correction.

Communications from applicants for items 1 and 2 were received requesting deferral or continuance to the next Plan & Zoning Commission meeting.

Item No. 1

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 31st 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)

Item #1 is continued from the October 7, 1999 and October 21, 1999 Commission Meetings.

STAFF REPORT

This item was continued from the October 7, 1999 meeting and October 21, 1999 meetings. There is a joint meeting between representatives of the applicant and the neighborhood association scheduled to discuss issues regarding the Walgreen's plans for this location. Staff may revise the staff recommendation at the Plan and Zoning Commission based on any outcomes from the joint meeting.

The applicant is requesting to rezone the southeast corner of 31st Street and University to "C-1" Neighborhood Commercial District to allow for the development of a new Walgreen's Discount Store and Pharmacy. The subject property is located at the

intersection of a major arterial (University) and a major collector (31st) across from the southwest edge of the Drake University campus.

The surrounding neighborhood consists of large-scale residential structures that are a mix of single-family and multi-family in use. There are neighborhood commercial offices to the west along University as well as a convenience store use. To the northwest there is also a mixed residential character that supports Drake campus.

The proposed site plan indicates an approximately 15,120 square foot retail store centered on the 1.8-acre property. Traffic circulation is provided around the entire building with access drives from University and 31st Street. Drive-up pharmacy service is proposed on the south side of the building. There are 76 proposed parking stalls located on all sides of the store. This meets the exact required parking based on the building area.

The proposed building elevation indicates a brick veneer façade with gabled roof detailing on a flat roof with parapet. Shingles on the gables would be an architectural type asphalt shingle. Staff believes that the coloring of the brick and shingle materials be consistent with the more recently constructed brick buildings on the Drake University campus. This would give a sense of an era in which the building was constructed without replicating the look of the older constructed buildings. The building layout is similar to the store being built at E. 14th and E. University. The primary entrance is oriented to the intersection.

The applicant has shown buffering from the residential properties on the East and South by providing a 6' Cedar Fence and over-story tree plantings. On University and 31st the landscaped areas in front of the parking contain a wrought iron fence and monument signage along with over-story trees. There are sidewalks indicated on 31st and University. Access to these is identified by special brick paving or inlay on pedestrian ways leading to and from the store through the parking lot areas. These pedestrian ways are restricted to the access points by openings in the wrought iron fencing. The special paving is also indicated at the corner of the right-of-way at the intersection.

Concerns with this rezoning from staff center on the relationship between the store development and the pedestrian. With the university campus across the street, the volume of walk-in traffic will likely be higher than a Walgreen's typical location. Therefore, staff believes that more pedestrian scale landscaping in addition to that shown in the site plan should be provided along University and 31st Street, with features such as enhanced pedestrian seating areas placed along 31st and University near pedestrian access locations to the store. In response to neighborhood group concerns that the building be closer to the street, staff would recommend relocating one-side of parking on the aisle along University to allow the storefront to be shifted closer to that street.

From a safety perspective, Traffic and Transportation staff believes the drive-approaches are ideally located away from the intersection as far as possible. Pedestrian routes are clearly defined in the parking and vehicle maneuvering areas. It would make some sense to provide an additional pedestrian access through the fence to the southeast of the store along Brattleboro Avenue.

The applicant is requesting to vacate the 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 the East/West alley to University Avenue.

The applicant is requesting this to accommodate a circulation pattern that directs alley traffic from the East toward University rather than onto Brattleboro. The applicant has indicated an ingress/egress easement from the East/West alley to the proposed North driveway on University.

Staff is not concerned with this request as long as some type of access easement is provided allowing circulation from the East/West alley to move through the site. Staff recommends that the vacated portion be sold as it is a necessary part of the site and would not be feasible to maintain a lease arrangement, based on the expected value.

The subject property of the rezoning request is located at the southeast corner of the intersection of 31st Street and University Avenue. The 2000 Land Use Plan currently identifies this as High Density Residential. However, there are currently C-1 and C-O zonings on properties at this intersection.

The existing business located on two corners of this intersection give it the character of a small commercial area. There is an objective in the 2000 Land Use Plan that seeks to "maintain viable existing neighborhood commercial areas not consolidated as nodes or commercial corridors and provides for minimized intensification after due consideration of traffic, parking, infrastructure, adjacent uses, and the overall impact on the surrounding area."

The allowance of a commercial zoning for this property would only provide a minimal intensification over that of the currently designated future land use High Density Residential which would generate similar traffic, parking and infrastructure demands and have the same type of impacts on adjacent uses and the surrounding area. This rezoning could be considered a minimized intensification of this existing land use designation and therefore be consistent with the provision in the 2000 Land Use Plan that provides for expansion of existing commercial areas.

It should be noted that this proposed rezoning does not remove any residential uses as it is replacing a parking lot used by Drake University. Prior to that it was the site of an elementary school. This means that there will be no encroachment into the residential area.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning to "C-1" subject to the applicant agreeing to the following:

1. Any commercial building constructed on the property shall have all brick exterior, and that the brick and shingle materials that are used be of a color theme that is consistent with the more recently constructed brick buildings on the Drake University campus; and
2. As part of any commercial redevelopment of the property, pedestrian scale landscaping and seating areas shall be provided along 31st and University adjacent to pedestrian access points; and
3. As part of any commercial redevelopment of the property, a pedestrian access point shall be provided to the southeast along Brattleboro Avenue; and
4. No vehicular access be provided from the property directly to Brattleboro; and

5. Any parking to be located between any commercial building and University Avenue shall not exceed one row of parking and required maneuvering aisle; and
6. That the applicant saves as many existing mature trees as possible.

Staff recommends approval of the request to vacate and convey the North/South alley by transfer of deed, subject to provision of a public access easement for ingress and egress through the parking lot to and from University Avenue. There shall be no direct vehicular access onto Brattleboro Avenue from this site.

Staff recommends that the Commission find the proposed rezoning in conformance with the 2000 Land Use Plan based on the fact that it would ensure viability of an existing neighborhood commercial area by providing minimized intensification of the land use.

SUMMARY OF DISCUSSION

CHAIRPERSON OPENED THE PUBLIC HEARING

Dan Manning, 300 Bank of America Building, represented Midwest Property Group, Ltd., Drake University and Walgreen's and affirmed they had requested a continuance. He indicated they did not have time to prepare or to put documents together. They are meeting with the Drake Neighborhood Association and are attempting to work out some of the aspects of their presentation and request, so they can return to the Commission with a request that would be satisfactory to Drake, the builder, Walgreen's and the neighborhood. A meeting has been scheduled next week with representatives of the Drake Neighborhood Association, Drake University and the developer, to work out the final details.

Eldon McAfee, 3000 School Street, President of Drake Neighborhood Association; concurred with what Mr. Manning has indicated, but was concerned that an agreement would not be worked out. He did not want the Commission to be discouraged or frustrated with them if they aren't able to work anything out. They are trying and he hoped no one would say they didn't try.

Frank Cownie: Was hopeful that they would be a little flexible.

Eldon McAfee: Responded they are trying hard to be.

Bruce Heilman: Asked Mr. McAfee if they would be more comfortable with more of an open-ended continuance until both groups want it on the agenda or the applicant is at the end of the road and needs to present it. He asked if two weeks would be enough time.

Eldon McAfee: Deferred to the applicant.

Dan Manning: Indicated appreciation for the request, but felt if it can't be resolved, they would like to bring it back to the Commission the 18th of November and let them make the decisions.

Frank Cownie: Asked if he was asking for a deferral or a continuance until the 18th of November.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Dann Flaherty: Moved that.

James Dietz-Kilen: Asked Mr. Manning if a representative from Walgreen's would be present at the neighborhood meeting.

Dan Manning: Indicated he could not promise that it would be a person actually working for Walgreen's; the developer, Midwest Property Group, Ltd., would be there.

Jim Dietz-Kilen: Suggested someone who actually works for Walgreen's be at one of the meetings.

Dan Manning: Indicated they would take that back to Walgreen's.

Dann Flaherty: Moved to continue to November 18th.

All voted in favor.

COMMISSION ACTION:

Motion was made to continue to the November 18th Plan & Zoning meeting.
(Dann Flaherty)

THE VOTE:

13-0 in favor

Item No. 2

A request from William Crist (Owner) of 1221 Keosauqua Way to vacate and convey the 12th Place right-of-way between Crocker Street and School Street.
(11-2000-1.17)

STAFF REPORT

The applicant is requesting to vacate and convey the 12th Place right-of-way between Crocker Street and School Street in the north edge of the downtown business district.

The surrounding properties involve the applicant's auto body repair operation along the west side of the segment of 12th Place requested. Along the East towards Crocker Street is a parking lot for the City of Des Moines owned rental housing complex Royal View Manor. Toward the North where the segment intersects School Street, there is a small office building, a billboard, and a communications antenna. The remaining portion East of the segment of 12th Place is also part of the applicant's operation.

It appears that the applicant would like to have control of this segment in order to prevent traffic from circulating through his properties on either side of 12th Place, thereby causing inconvenience to his operation. Staff has observed that some traffic does appear to be using this segment as a "short cut" through the area with no destination purposes.

Staff has one major concern regarding this request that relates to the proposed I-235 improvements. The projected improvement at the Keo Way interchange involves a retaining wall to be located along the northern portion of the request segment of right-of-way. There is no final design at this time to be able to determine the amount of right-of-way that will be necessary from this area. Because of this fact, staff believes that selling or leasing the right-of-way to the applicant may result in additional cost to the freeway

project acquisitions. At such time as the I-235 improvements are completed, the applicant could request to purchase any excess right-of-way.

STAFF RECOMMENDATION

Staff recommends denial of the requested vacation and conveyance. This is based on future planned improvements for I-235 involving the requested 12th Place right-of-way.

SUMMARY OF DISCUSSION

CHAIRPERSON OPENED THE PUBLIC HEARING

Eldon McAfee, 321 E. Walnut, Beving, Swanson & Forrest Law Firm, represented Owen Crist and requested an extension on this matter. He indicated there had been communications with staff and he then deferred to them. He thought with an extra two weeks, they could try to work out a glitch that had just arisen in their request.

There was no one else to speak on this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Fran Koontz: Moved to continue to the November 18th Plan & Zoning Commission meeting.

All voted in favor.

COMMISSION ACTION:

Motion was made to continue this item to November 18th Plan & Zoning meeting.
(Fran Koontz)

THE VOTE:

13-0 in favor

Item No. 3

A request from Scott L. Temple (Owner) of 1613 Dixon Street d.b.a Nuckolls Concrete Services, Inc. to do the following: (11-2000-1.18)

- A) Vacate and convey Dixon Court right-of-way from East Washington Avenue North 150'.
- B) Convey the vacated Dixon Court right-of-way from East Jefferson Avenue South to a point 150' North of East Washington Avenue.

STAFF REPORT

The applicant is requesting to purchase a 460' segment of Dixon Court right-of-way running South from East Jefferson that has been previously vacated which he currently leases. In addition, the applicant is requesting to vacate and convey the remaining 150'

portion of Dixon Court running South from the previously mentioned segment to where it intersects with East Washington Street.

This segment of right-of-way is located toward the southern portion of the Guthrie Business Park. The property to the South of the subject property is a residential neighborhood recognized by the City as the Martin Luther King Jr. Park Neighborhood. The property to the west is a salvage yard.

The applicant intends to assemble this right-of-way to integrate into the existing concrete plant operation on the property to the East of Dixon Court. This would make more land available for maneuvering of concrete trucks, and storage of equipment and materials.

Community Development staff have a concern with the fact that the applicant does not appear to have conformed with a landscaped buffering requirement that was a condition of rezoning the property to limited "C-1". This rezoning had been made in 1993 at the request of the previous owner to allow customer and employee parking between the area zoned industrial and the residential zone to the South.

Economic Development staff have indicated long range plans that would assemble land in this southern area of the business park. To ensure no additional costs for future assembly of land for industrial park redevelopment, it is recommended that the existing vacated right-of-way continue to be leased rather than sold to the applicant and that no additional right-of-way be vacated.

STAFF RECOMMENDATION

Staff recommends denial of the requested vacation and conveyance. This recommendation is primarily based on future plans to assemble this property for business park development.

SUMMARY OF DISCUSSION

Fran Koontz: Asked if the owner was willing to do what the conditions of four years ago call for.

Erik Lundy: Responded that the City has not done anything to enforce at this point, but now has initiated a concern regarding this. He did not think the Zoning enforcement had contacted the owner of the property yet. He indicated this was a part of a site that ultimately would be assemblable for a larger development as part of the Guthrie Avenue Business Park and indicated Andrea Hauer from Economic Development could answer questions regarding that.

Marilyn Staples : Asked if they had been trying to move the salvage yards out of there gradually.

Erik Lundy: Affirmed and deferred the economic development issues to Andrea Hauer.

Andrea Hauer, with the Economic Development department of the City of Des Moines indicated the City has been purchasing property for the last 9 years in the area known as the Guthrie Avenue Industrial Park which extends from Guthrie on the north, to the railroad tracks on the east, East 17th on the west and Washington on the south. She stated when this plan was brought before the Plan and Zoning Commission, they were going to purchase all the land in that area for redevelopment starting at the north going to the south. They have accomplished approximately 2/3 of that land acquisition and redevelopment with over \$20,000,000 of new development in that area. They anticipate being able to purchase this property sometime in the next two to five years depending on development and would not recommend sale of the right-of-

way because of their intent to purchase the land when the remaining surrounding property is acquired for development.

Fran Koontz: Asked Ms. Hauer what could be done in the meantime until the City purchases it, which she urged for sooner rather than later. She stated the dust is a problem to the businesses around there and the residential area directly south of it. She indicated it to be a health hazard and thought the City should act soon because something has to be done quickly.

Bruce Heilman: Asked Andrea about the significance of the line on the map running horizontally where it turned from purple to blue and questioned if that was the limit of the C-1.

Erik Lundy: Responded that at the time, they wanted to leave that street stub open. It was residential R2A.

Marilyn Staples: Indicated there were some families that were moved out of there.

Erik Lundy: Referred to the map, indicating what was residential zoning and what was conditional C-1.

Tom Clarke, Sr.: Responded to Bruce Heilman, indicating he thought the property to the north had already been vacated and the property to the south had not been and that was the difference.

Erik Lundy: Indicated the purple area on the map was vacated but leased to the applicant.

Bruce Heilman: Asked why it extends across a five block stretch; what the significance of the line was.

Erik Lundy: Indicated it was a zoning line that was actually R2A. He stated the applicant indicated they were going to try to get the consents for the unvacated portion of Jefferson Street in the future and the same concern would arise from the assembly of the property standpoint for the Business Park. He showed the Consent Map and indicated they received an objection from the property owner to the west, which is the salvage business, but they also received a consent form from them. He stated they did get the objection after the consent form. He stated if the portion that is unvacated were leased, it may increase costs of acquisition at a future point.

Bob Mahaffey: Wondered how leasing a portion would increase the value of the land, because they already have the biggest portion leased.

Erik Lundy: Indicated that having a complete parcel that is leased, would add to the value of it by having a more assembled piece.

Tom Clarke, Sr.: Stated not if it was a month-to-month lease.

Erik Lundy: Affirmed.

Dann Flaherty: Asked what the current lease is.

Erik Lundy: Indicated he was unsure what the term was.

Fran Koontz: Stated it seemed if that occurred it would give them access to Washington, which would be very desirable, and would make that piece more valuable.

Tom Clarke, Sr.: Indicated there is already access; it's already a street.

Fran Koontz: Responded that if it were leased to them, it would be made legal and asked if that was correct.

Tom Clarke, Sr.: Stated it's already a street, so they already have access to Washington.

Fran Koontz: Indicated she knew that, but thought if it were leased to them it would become their street.

Bob Mahaffey: Indicated if a specific time is put on that, the lease will expire.

Gary Lozano: That would happen if an alley would separate two separate pieces and that is not the case here. He thought they were right. If there were two pieces on either side of the alley and they owned the alley, it would make it a larger parcel, making it more valuable. In this case it's a marginal impact as compared to two pieces of property on both side of an alley.

Tom Clarke, Sr.: Asked why the City is not working with Nuckolls Concrete Services to develop the area they're in, as part of the plan and questioned if they did not fit in to the City's future development of the area.

Andrea Hauer: Indicated the Guthrie Avenue Urban Renewal plan directed that the City provide a higher property tax base with improvements on the property; this does not meet that criteria, and an employment requirement of 10 employees per acre or more. With those two criteria, the City has worked with one or two existing businesses that will be redeveloping in the area. The remainder have been relocated elsewhere.

Frank Cownie: Asked if the City of Des Moines is working with this company, if it's being found more desirable in the long run for them to be someplace else.

Andrea Hauer: Indicated that was correct.

Frank Cownie: Asked if the City would find them a good location.

Andrea Hauer: They will be offered relocation assistance, which is a series of payments plus personal assistance in trying to identify other sites. There is no guarantee they will find one within the City, given zoning requirements.

Marilyn Staples: Asked if the City was going to enforce the conditions that the Commission placed on it four years ago, until the City buys it out.

Gary Lozano: Indicated the Zoning Enforcement officer had visited the site and is sending a letter out that requires conformance to the plan, to begin the enforcement process.

Scott Temple, Nuckolls Concrete: Indicated this request started with a complaint from the DNR as a result of a complaint from the City of Des Moines regarding the dust on the property and trucks tracking into the street. They want to pave the site to eliminate that, but they need to pave more than just the site, to give complete access to eliminate the truck tracking into the street. He stated it didn't make sense to pave the leased property and then give it up in three years. They do own the lot on the north side of Jefferson, but didn't have time to go through the process and wanted to get approval so they could start paving as soon as possible.

Dan Flaherty: Asked what kind of lease agreement they currently have, if it was a month to month or three year.

Scott Temple: Indicated it was a 10 year lease that started in 1993. He stated he had it with him. He indicated it goes through 2004 and this meeting was the first time he had heard about the plans to buy them out in two years. He asked if that meant they couldn't build a new structure.

Gary Lozano: The City has to decide to either buy them out or allow them to continue with all the rights of the property until such time. He didn't think the City had the ability to withhold a permit unless they are willing to purchase the property and purchase those rights away from the individual.

Tom Clarke, Sr.: Asked if the light blue area shown on the map was unimproved.

Gary Lozano: Affirmed.

Tom Clarke, Sr.: Asked if the City would have any objection to the adjoining property owners going in and improving the street without the City's consent.

Gary Lozano: Indicated they would have objections.

Tom Clarke, Sr.: Asked what the objection would be, since the DNR objects to all the dust being raised on the street.

Gary Lozano: Indicated that as a public street, there are metropolitan design standards that the paving of the street would have to be brought. The City Engineer would be able to possibly waive those standards and allow a separate standard. The first reaction would be it's a City street and if it's going to be improved, it needs to meet the standards for City street improvements.

Tom Clarke, Sr.: Asked if they had the 10-year lease on the other parcel and they paved that, then the dust being raised would be the City's problem and the DNR should go after the City for the dust being raised on the City street.

Gary Lozano: Indicated that was correct. The Southeast area of the City had a dust problem and it was the City gravel streets that were part of the problem and it was the City's burden. He stated they only paved some of them, and indicated there are other approaches to keeping the dust down such as applications that can be made and other alternatives to full-depth concrete paving to deal with dust in a gravel street or parking lot situation.

Tom Clarke, Sr.: Asked if, in this particular instance, the City could meet an agreement with the owner that they would do their part to hold the dust down if the owner wanted to improve the northern section.

Gary Lozano: Indicated they came to Zoning because they wanted to pave an area there. They need to pave their area under the existing zoning, under which they are using that area, whether the City paves or improves the street or not.

Dann Flaherty: Asked if the City had an agreement that they will pave it, with the section the City already got.

Gary Lozano: Affirmed.

Dann Flaherty: Stated that if they go in and pave it, the City's not going to say anything because that's already a requirement placed upon them.

Gary Lozano: Referred to the map, indicating he didn't know if the City had an agreement for them to pave the purple area that's leased to them.

Dann Flaherty: Indicated he was talking about the light blue area.

Gary Lozano: Stated that area is the City's street. They came and asked to rezone the green area for the purpose of a parking lot and they were required to pave that so they are under burden currently to pave the area in green. Irrespective of the street condition, they are required to pave the area that they are using for their business that was zoned R2A and is now zoned C-1.

Fran Koontz: Asked the applicant if they were the owner at the time the conditions were placed on the property.

Scott Temple: Confirmed, indicating they purchased it in 1994.

Fran Koontz: Asked when the conditions were placed on it.

Gary Lozano: Indicated this was not the applicant at the time. It was a different company. It was March of 1993.

Fran Koontz: Asked if the applicant was willing to meet the conditions that are already on there and should have been enforced over the last six years.

Scott Temple: Indicated he would like to know what they are before he agrees to them.

Tom Clarke, Sr.: Suggested this item should be continued until the applicant becomes familiar with the conditions, decides whether he needs that area for the use that is insisted on being paved and meet with the City Traffic and Transportation to find out what they consider their obligations to be on the City street.

Dann Flaherty: Asked the applicant if he was in agreement to that and indicated that Tom's suggestion is to continue this and put it on hold while the applicant and the City makes negotiations for the applicant to arrive at the current requirements.

Frank Cownie: Asked Gary to come up with a list of things that are attached to that and that they should do.

Gary Lozano: Affirmed, indicating there are only two items on the list. The current use, which is a pile of material, is not a permitted use, but is an illegal use of the lot under the current Zoning, because the zoning was limited to use in that only in either an R2A District use or a parking lot. The applicant, at the time, indicated he wanted an employee parking lot. The pile of material is not a permitted use on the southern portion of that site, which was zoned R2A. The other condition was a 25' setback with landscaping that has not been complied with.

Frank Cownie: Asked Mr. Temple if that straightened it out for him.

Scott Temple: Indicated the pile he was referring to was from cleaning up the two front lots and they haven't hauled it out yet and indicated that will disappear this fall.

Frank Cownie: Asked if that was a problem.

Scott Temple: Indicated it was not. Staff directed him to appear before the Commission and all the other things are new issues.

Fran Koontz: Indicated the property owner needs to know what the conditions are and needs to also talk to Andrea and the City about their future plans, which he apparently had no previous knowledge of. She stated it is in the applicant's best interest if he requests the Commission continue this hearing for at least two weeks or a month.

Scott Temple: Indicated he would prefer a month rather than two weeks.

Dann Flaherty: Asked the applicant if that was what he wanted.

Scott Temple: Affirmed and requested that.

Dale Swift, Swift Auto Salvage, 2014 Maple Circle, West Des Moines, indicated he and Mr. Temple were discussing buying the vacant street. He indicated that E. 17th Street Court ran through there several years ago and Swift Auto Salvage bought half the street and Olson Truck Wash bought the other half. He added the street goes nowhere. He indicated he's not against him paving, but if the City's willing to sell it, they are willing to buy it. He also indicated the City wanted to buy the property 14 years ago but didn't have the money, now they don't want to move.

Frank Cownie: Asked Andrea to step up.

Brian Janousek: Asked if the new Battery Patrol is currently being built north.

Dale Swift: Affirmed.

Frank Cownie: Asked if it is the intention of the City, within the next 14 years, to acquire these two pieces of property.

Andrea Hauer: Indicated it was her understanding it is the City's intention to acquire all properties south of East Jefferson, that the City does not currently own, for redevelopment.

Frank Cownie: Asked if more specific information could be obtained so the interested parties could determine what they are going to do and how.

Fran Koontz: Expressed concern and was sympathetic to Mr. Temple's and Mr. Swift's uncertainty of how to proceed with the life and future of their businesses.

Dale Swift: Indicated there was an item on the agenda on the City Council where they were trying to purchase an auto salvage.

Fran Koontz: Indicated the City should include Mr. Swift in discussions with Mr. Temple to let them both know what their future may be.

Frank Cownie: Agreed with Fran and expressed appreciation to Mr. Swift and Mr. Temple coming to the meeting, indicating it gives the Commission a little light on what's going on.

Brian Janousek: Referred to Andrea's comment regarding Mr. Temple not employing many people on that site.

Andrea Hauer: Responded that is the standard that the Urban Renewal Plan requires.

Brian Janousek: Indicated it is a construction company and his people don't work from that site. He employs them from that site and they travel all around the city.

Scott Temple: Indicated he employees 25 permanently at that site, but employees 400 total.

Brian Janousek: Acknowledged and stated he goes to where the projects are at.

Andrea Hauer: Stated she understands that and indicated they have worked with different companies in that area, but they have always met or exceeded that standard.

Gary Lozano: Added that staff is willing to sit down with the plant owner and clarify for him what the zoning requirements, but indicated that irrespective of how that goes and what comes out of that, staff will still recommend denial of the vacation and conveyance at any future meeting based on the Urban Renewal Plan.

Tom Clarke, Sr.: Asked what difference it would make if the lease was tied to the purple area, referring to the map, and stated it wouldn't make a difference to the City.

Gary Lozano: Indicated he is wanting to purchase the purple area and the light blue area, stating he is wanting to vacate the light blue area and purchase the entire thing and staff does not think it is advisable to sell him ground just so the City can buy it back from him at a potentially higher cost in the near future.

Tom Clarke, Sr.: Agreed, but stated the business should be accommodated while it's there, if the City is not going to buy the business and move him. Don't sell him the land, but lease it to him.

Gary Lozano: Indicated that, to the extent that he's under the direction from DNR for dust, and to the extent that the street is a significant part of that and needs to be addressed, then the City would be obliged to work with him to address that problem.

Bob Mathieu: Asked if the applicant really wants the property or if he is only asking for it to comply with the DNR. He indicated it doesn't seem to be the applicant's obligation, since he doesn't own it.

Scott Temple: Indicated to comply with DNR, he needs to pave the street.

Tom Clarke, Sr.: Indicated the City could vacate and convey the street and have the option to repurchase it for a price certain, which might solve everybody's problem.

Fran Koontz: Felt the bigger issue is whether this is the right business for this place into the future. She stated it sounds as if the City is saying they don't see this business in this place given the surrounding residential area and businesses that are there. That doesn't mean it shouldn't be here someplace, it just means it should be in a more compatible place. She indicated that when Mr. Temple has been apprised of what the conditions are, the City is obligated to tell him what his future is going to be at this location. If it's not going to be there, they should locate him in a place where he can conduct his business.

Frank Cownie: Indicated there is a request from the applicant to continue this for one month, for the first meeting in December.

Tom Clarke, Sr.: Moved to continue to the first meeting in December.

Scott Temple: Indicated he had to address it in 30 days.

Brook Wennerstrum: Stated that as long as he is addressing it currently through this process, that would be stayed, and asked Gary Lozano if that was correct.

Gary Lozano: Indicated this pending action would not stay it, but that there are other ways to address the dust problem in a 30 day time period other than a permanent full-depth pavement of concrete.

Brook Wennerstrum: Asked if it hadn't just been discussed that the City needed to participate in that.

Gary Lozano: Asked for clarification of the question.

Frank Cownie: Restated Brook's question.

Gary Lozano: Indicated he was unfamiliar with the complaint and the extent of it, but if the street condition is causing a part of the problem, then the City needs to participate in the resolution of it, because it is a public street.

Frank Cownie: Asked if some certain times could be made for someone to sit down with him and sort through all those issues.

Gary Lozano: Affirmed and indicated he didn't know where the complaint from the City came from and that would need to be tracked back because that Department will need to be involved in those discussions.

Frank Cownie: Asked who would be in charge of doing that.

Gary Lozano: Indicated the Planning staff would do that.

Dann Flaherty: Stated the reason it goes through the DNR from the City, is because the City has become the designated agency to make those reports and that's what's done and the DNR makes the enforcement; that's how it's set up.

Frank Cownie: Said the specific complaint needs to be dealt with to figure out what needs to be done, but that the Commission's issue is the vacation.

Bruce Heilman: Directed comment to Mr. Temple, indicating it must be frustrating to find out at this meeting that they may not exist there in two years. He asked Mr. Temple if he was not aware when he purchased in 1994 that the conditional zoning was in the abstract.

Scott Temple: Heard from neighbors that that was going to happen, but no one would tell them anything.

Gary Lozano: Indicated that both the Urban Renewal Plan and the conditional zoning are recorded of record and can be read in the abstract.

Dann Flaherty: Asked Mr. Temple if he had an attorney when he closed the deal.

Frank Cownie: Stated there was a motion to continue and suggested staff meet with him (Mr. Temple) and help him through the process.

Bruce Heilman: Indicated hope that the City would help by backing off a little until the negotiation was done. He stated if that needed to be an Amendment to the motion, he would offer that the City tell DNR that negotiations are underway and this is a complicated matter, to take some pressure off Mr. Temple.

Tom Clarke, Sr.: Accepted that as a friendly amendment.
All voted in favor of the motion with the friendly amendment.

COMMISSION ACTION: Motion was made to continue to December 2nd P&Z meeting, with the Friendly Amendment that the City tell DNR that negotiations are underway. (Tom Clarke, Sr.)

THE VOTE: 13-0 in favor

Item No. 4

Request from Capitol Park Neighborhood Association for initiation of rezoning for various portions of the neighborhood to decrease residential densities in accordance with the Capitol Park Neighborhood Action Plan.

A tour of the Capitol Park Neighborhood area proposed for rezoning departed from the Armory Building at 4:00 p.m. prior to the Plan and Zoning Commission meeting.

STAFF REPORT

The Capitol Park Neighborhood Organization has requested that the Plan and Zoning Commission initiate a rezoning of that part of the neighborhood that is an "R-3" District (Multi-family zoning) to an "R-1" District (Single-Family Zoning). This was initially brought to the Plan and Zoning Commission in January and February of this year to initiate rezoning. However, the Commission determined at that time it should be brought back toward the end of the year to allow time for the 2020 Community Character Plan to be presented throughout the City.

In the year 2000 Land Use Plan, the area south of University with Capitol Park is designated as Medium-Density Residential. A land use plan amendment would be required if the rezoning were to occur.

Area South of University to the Freeway, E. 7th Street to roughly E. 13th Street

This area was platted in the 1860's and 1870's in small plats before the development of the streetcar system. Development is on small, randomly sized lots with alleys. Many of the lots have only 40' of frontage. Houses date from before the turn of the century. There is some infill development and some double houses, of architectural merit, typical of housing near the downtown in that era. Except for that housing built as two-family, the lots and houses are not really created for multiple or two family housing.

The area consists of approximately 314 residential structures, 73 or 23% of those residential structures are multi-family. The small size of the houses, the small irregular shaped lots and narrow circulation pattern are not conducive to large areas of multi-family housing. Staff recommends initiating a rezoning to an "R-1" designation.

Area North of University, South of Cleveland between Pennsylvania and E. 14th.

The area north of University was platted in the 1880's in a more standard grid pattern that includes north-south alleys. The streetcar system was being developed as this area was platted and built up. The lots are more standard with a predominance of 50-foot lots on 150 or 200-foot depths. Except for some housing built as two-family, the lots and houses were created as single family. Droukas Court (previously known as Venemens Court) has been determined eligible for the National Register of Historic Places.

Staff recommends that the block bordered by Garfield, E. 12th Streets and E. 9th Streets remain "R-3" because of the predominance of church and multi-family housing on that block. Staff would recommend that a landmark or National Register designation be pursued for the protection of Droukas Court. Staff also recommends that the properties that border E. 14th Street also remain "R-3." This area has been designated as future commercial in the land use plan.

Staff recommends the remaining area be rezoning to an "R-1" classification. The remaining area consists of approximately 214 residential structures, 24% of which are multi-family. Of those structures, 162 are single family and 52 are multi-family.

STAFF RECOMMENDATION

Because there is a tour of the area and following discussion scheduled prior to the Plan and Zoning Commission, it is recommended that final boundaries not be set for an initiated rezoning until that has taken place.

SUMMARY OF DISCUSSION

Fran Koontz: Made a motion to move forward with the process to blanket rezone to R1-60, the stated areas on the map.

Frank Cownie: Asked Marilyn Bruce if it would work for the neighborhood, for that process to begin.

Marilyn Bruce, Capitol Park Neighborhood, referred to notification that was discussed prior to the meeting, that the neighborhood wants to be responsive, but they won't take over the City's notification process. They want to assist, but not be totally responsible for the notification process. She stated they do want to see this happen and want to be a part of it and work with the City on making the notification as useful as possible.

Frank Cownie: Asked how she felt this would improve the area.

Brian Janousek left the meeting.

Marilyn Bruce: Indicated they have been to the Plan and Zoning Commission several times and the neighborhood does not, can not and will not accommodate multi-family because of the

traffic, the lot sizes and the closeness of the homes that are already there. She stated it's something they want to move ahead with.

Marilyn Staples: Asked if the COPS system could be used, also as a supplement to any fliers they send out.

Marilyn Bruce: Responded that telephone numbers are much more difficult than addresses and she was not certain how much trouble that would cause the staff, to try to pull those numbers.

Jim Dietz-Kilen: Indicated that was his suggestion and asked if they had their membership list with the COPS system.

Marilyn Bruce: Replied that the membership list would not begin to cover them.

Jim Dietz-Kilen: Indicated understanding, but suggested it as a supplement to get information out to people.

Marilyn Bruce: Stated she would need help knowing what to say.

Fran Koontz: Indicated the City could do that.

Becky Morelock: Indicated they are good with helping with that.

Fran Koontz: Indicated that part of her motion was that the Commission begin the process and ask staff to work with the neighborhood association on the process of notification. She referred to discussions of newspaper notices, sending cards and PSAs in addition to the neighborhood association putting it in their newsletter and posting it in local businesses, that would be sufficient.

Gary Lozano: Asked if sending out a card meant staff would send a notice form to every property owner in the area.

Fran Koontz: Responded that was not what she meant.

Gary Lozano: Stated the initiation should include a date, stating the 1st P & Z meeting in January had been mentioned.

Fran Koontz: Indicated the 1st meeting in January, 2000.

All voted in favor 12-0

COMMISSION ACTION:

Motion was made to move forward with the process to blanket rezone the stated areas on the map to R1-60. Staff will work with the neighborhood association on the notification process and it will be heard at the January 6, 2000 Plan & Zoning meeting.

(Fran Koontz)

THE VOTE:

12-0 in favor

Item No. 5

Committee and Director's Reports

Frank Cownie: Issued a reminder of the joint meeting between the West Des Moines and Des Moines P&Z to be held the 8th of November at The Cub Club at 11:30 a.m. The 2020 Presentation will be made.

AGENDA

Neighborhood Boundaries Issues:
Beaverdale, Drake, Waveland Park
Tuesday, November 16, 1999 at 6:00 p.m.

- I. Introduction
- II. Discussion of Options
 - A. Leave boundaries as shown on map.
 - B. Adjust boundaries to be in accordance with Beaverdale Plan.
 - C. Adjust boundaries to show area south of Franklin and east of 42nd as part of Drake and leave boundaries of Waveland Park as shown on map.
 - D. Create new neighborhood association in area of discussion.
- III. Conclusion

CS

*Amend bylaws to reflect
boundaries
- shared areas.*

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

ABSENT: Scott Saylor, Brian Janousek, and Bob Mathieu

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

Marilyn Staples moved to approve the Minutes of the November 4, 1999 P & Z meeting. All voted in favor.

The following item was continued to the December 16, 1999 Plan & Zoning meeting:

Item No. 4

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 25th Street. (15-2000-5.02)

- A) Review of proposed Voluntary Annexation.
- B) Initiation of amendment to the Des Moines 2000 Land Use Plan for property in the vicinity of East Aurora to Broadway from I-235 to East 25th Street.
- C) Initiation of rezoning for part of the proposed annexed property in the vicinity of East Aurora and E. 24th Court from I-235 to East 25th Street.
- D) Initiation of amendment to City-wide Urban Revitalization Area for tax abatement.

Item #4 was continued from the October 7, 1999 meeting.

A letter was received from the applicant requesting a deferral to the December 16, 1999 P&Z meeting. Dann Flaherty moved to defer to December 16, 1999 P&Z meeting. All voted in favor.

Item No. 1

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 31st 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)

Item #1 is continued from the October 7, October 21, and November 4, 1999 Commission Meeting.

STAFF REPORT

This item was continued from the October 7, 1999, October 21, 1999, and November 4, 1999 meetings. The following staff report and recommendation are from the October 7, 1999 meeting. There is a joint meeting between representatives of the applicant and the neighborhood association scheduled to discuss issues regarding the Walgreen's plans for this location. Staff may revise the staff recommendation at the Plan and Zoning Commission based on any outcomes from the joint meeting.

The applicant is requesting to rezone the southeast corner of 31st Street and University to "C-1" Neighborhood Commercial District to allow for the development of a new Walgreen's Discount Store and Pharmacy. The subject property is located at the intersection of a major arterial (University) and a major collector (31st) across from the southwest edge of the Drake University campus.

The surrounding neighborhood consists of large-scale residential structures that are a mix of single-family and multi-family in use. There are neighborhood commercial offices to the west along University as well as a convenience store use. To the northwest there is also a mixed residential character that supports Drake campus.

The proposed site plan indicates that an approximately 15,120 square foot retail store centered on the 1.8-acre property. Traffic circulation is provided around the entire building with access drives from University and 31st Street. Drive-up pharmacy service is proposed on the south side of the building. There are 76 proposed parking stalls located on all sides of the store. This meets the exact required parking based on the building area.

The proposed building elevation indicates a brick veneer façade with gabled roof detailing on a flat roof with parapet. Shingles on the gables would be an architectural type asphalt shingle. Staff believes that the coloring of the brick and shingle materials be consistent with the more recently constructed brick buildings on the Drake University campus. This would give a sense of an era in which the building was constructed without replicating the look of the older constructed buildings. The building layout is similar to the store being built at E. 14th and E. University. The primary entrance is oriented to the intersection.

The applicant has shown buffering from the residential properties on the East and South by providing a 6' Cedar Fence and over-story tree plantings. On University and 31st the landscaped areas in front of the parking contain a wrought iron fence and monument

signage along with over-story trees. There are sidewalks indicated on 31st and University. Access to these is identified by special brick paving or inlay on pedestrian ways leading to and from the store through the parking lot areas. These pedestrian ways are restricted to the access points by openings in the wrought iron fencing. The special paving is also indicated at the corner of the right-of-way at the intersection.

Concerns with this rezoning from staff center on the relationship of the store development to the pedestrian. With the university campus across the street, the volume of walk-in traffic will likely be higher than Walgreen's typical location. Therefore, staff believes that more pedestrian scale landscaping in addition to that shown in the site plan should be provided along University and 31st Street, with features such as enhanced pedestrian seating areas placed along 31st and University near pedestrian access locations to the store. In response to neighborhood group concerns that the building be closer to the street, staff would recommend relocating one-side of parking on the aisle along University to allow the storefront to be shifted closer to that street.

From a safety perspective, Traffic and Transportation staff believes the drive-approaches are ideally located away from the intersection as far as possible. Pedestrian routes are clearly defines in the parking and vehicle maneuvering areas. It would make some sense to provide an additional pedestrian access through the fence to the southeast of the store along Brattleboro Avenue.

The applicant is requesting to vacate the 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.

The applicant is requesting this to accommodate a circulation pattern that directs alley traffic from the East toward University rather than onto Brattleboro. The applicant has indicated an ingress/egress easement from the East/West alley to the proposed North driveway on University.

Staff is not concerned with this request as long as some type of access easement is provided allowing circulation from the East/West alley to move through the site. Staff recommends that the vacated portion be sold as it is a necessary part of the site and would not be feasible to maintain a lease arrangement, based on the expected value.

The subject property of the rezoning request is located at the southeast corner of the intersection of 31st Street and University Avenue. The 2000 Land Use Plan currently identifies this as High Density Residential. However, there are currently C-1 and C-O zonings on properties at this intersection.

The existing business located on two corners of this intersection give it the character of a small commercial area. There is an objective in the 2000 Land Use Plan that seeks to "maintain viable existing neighborhood commercial areas not consolidated as nodes or commercial corridors and provides for minimized intensification after due consideration of traffic, parking, infrastructure, adjacent uses, and the overall impact on the surrounding area."

The allowance of a commercial zoning for this property would only provide a minimal intensification over that of the currently designated future land use High Density Residential which would generate similar traffic, parking and infrastructure demands and have the same type of impacts on adjacent uses and the surrounding area. This rezoning could be considered a minimized intensification of this existing land use designation and therefore be consistent with the provision in the 2000 Land Use Plan that provides for expansion of existing commercial areas.

It should be noted that this proposed rezoning does not remove any residential uses as it is replacing a parking lot used by Drake University. Prior to that it was the site of an elementary school. This means that there will be no encroachment into the residential area.

STAFF RECOMMENDATION

Staff recommends approval of the rezoning to "C-1" subject to the applicant agreeing to the following:

1. Any commercial building constructed on the property shall have all brick exterior, and that the brick and shingle materials that are used be of a color theme that is consistent with the more recently constructed brick buildings on the Drake University campus; and
2. As part of any commercial redevelopment of the property, pedestrian scale landscaping and seating areas shall be provided along 31st and University adjacent to pedestrian access points; and
3. As part of any commercial redevelopment of the property, a pedestrian access point shall be provided to the southeast along Brattleboro Avenue; and
4. No vehicular access be provided from the property directly to Brattleboro; and
5. Any parking to be located between any commercial building and University Avenue shall not exceed one row of parking and required maneuvering aisle; and
6. That the applicant saves as many existing mature trees as possible.

Staff recommends approval of the request to vacate and convey the North/South alley by transfer of deed, subject to provision of a public access easement for ingress and egress through the parking lot to and from University Avenue. There shall be no direct vehicular access onto Brattleboro Avenue from this site.

Staff recommends that the Commission find the proposed rezoning in conformance with the 2000 Land Use Plan based on the fact that it would ensure viability of an existing neighborhood commercial area by providing minimized intensification of the land use.

SUMMARY OF DISCUSSION

Frank Cownie: Referred to the slides shown and asked Eric if Drake owned the house on the alley to the East.

Erik Lundy: Affirmed.

Response Cards Received

1 in opposition

2 did not indicate preference
2 in favor

CHAIRPERSON OPENED THE PUBLIC HEARING

Mike Simonson, Simonson & Associates Architects, 3300 Elmwood, Des Moines represented Walgreen's. Addressed a few thoughts and concerns with the neighborhood group following the Plan and Zoning meeting. Neighborhood group is not opposed to retail on this corner. The corner to the West is zoned commercial and there is a commercial property to the South. Neighborhood group was concerned with the siding of the building and the exterior appearance. Walgreen's are willing to work on the exterior elevations by adding some fenestration and doing those types of details; thought the neighborhood had a comfort level with that. Remaining issue is the siting of the building; neighborhood has agreed to allow the building to be setback from the sidewalk, but wants to see it in green and not parking. Walgreen's went back and prepared a plan, which he presented. They cannot push the building tight to the corner and have a viable Walgreen's store. Sought to find a way to make further additional improvements in the parking lot and make the parking less obtrusive since the distance from the building to the sidewalk is no longer the issue. Proposed lowering the footprint of the building by having a berm along 31st & along University, 2- 2 1/2' high with landscaping on top of it to conceal much of the cars. Compromised and eliminated a double row of parking along University. One idea was to relocate the parking facing University and face it against the building so any headlights would be facing the building and not the parking lot. Walgreen's agreed with that, and made that modification. Also reduced the parking to 68 stalls from 76. The neighborhood group was fairly clear in indicating they weren't opposed to the retail and weren't opposed to more retail along University. Primary concern is a fear there would be a series of individual buildings surrounded by parking on four sides going up and down University. That is not the contention or objective of Drake; this property has not been for sale. To research what else might be done there, he brought Brian Clark, a planner, on board. He indicated Brian Clark would share the ideas that were shared with the neighborhood group.

Fran Koontz: Asked Mr. Simonson if he and Brian Clark had seen the plans for the commercial area in Summerset Village in Ames.

Mike Simonson: Indicated he has seen some of those plans, but it's been some time ago.

Fran Koontz: Stated the commercial buildings are oriented on the street and urged him to meet with staff and look at doing something similar to that to make it pedestrian friendly.

Mike Simonson: Introduced Brian Clark.

Brian Clark: Brian Clark & Associates, 500 E. Locust, Des Moines, responding to the questions of "what if"; how it would feel from an urban context standpoint. Drake has indicated an entrance feature across from the proposed Walgreen's site, as well as a future parking lot. That corner is targeted as a main identity feature for Drake University. By sliding Walgreen's closer to University and having the University entrance feature on the North side of University, there is no chance for the urban "feel" because of the entry feature plans across the street. They feel the Walgreen's site is within the context of the block and offers an opportunity for the neighborhood and Drake University. The keys to new urbanism in putting buildings against the street are creating an enhanced pedestrian environment so people can walk and do their shopping and design needs, to be in the context of the environment. His opinion was of a pulled

back building mass allowing appropriate setbacks based on other intersection, and allowing Drake to do a wonderful entry feature across from that store. Presented three drawings:

1. context drawing: showed the site in relation to I-235 and the intersection of University and 31st Street. The intersection of University and 31st Street will become more heavily trafficked when the Cottage Grove intersection is closed down, giving 31st Street the opportunity for neighborhood identity establishment and an opportunity for Kingman Blvd. to be a design element for the neighborhood.;
2. future parking lot to the east side of the Walgreen's site: to see what parking might look like;
3. how retail development might look in conjunction with the Walgreen's development: prefaced by saying Drake has no intentions, at this time, of doing any retail development projects along University or the corridor.

Mike Simonson: Dialog with the neighborhood has been good. Drake has no intentions of paving any additional parking in that area; intend to leave the houses as they are. Brian conveyed two possibilities:

1. What if it were to be parking, which is an issue with Drake; and
2. An openness with the neighborhood to talk about what if there were to be retail. If this were to become a very desirable area for retailers, it could continue. Brian demonstrated how that type of retail pushed up against the sidewalk, could fit very nicely along University and begin to stairstep back at that corner, which will be the most major vehicular corner, and how it fits into the context that is there.

William Lillis, 300 Bank of America Building, met with the neighborhood group on several occasions; return to the same issue, which is the "what if there would be a development further to the east". The only solution was with the plan shown by Brian Clark. He asked the Commission to consider recommending the property to the East be rezoned to NPC, to ensure the use of the land to the East. NPC would allow for Drake to do what they intend to do with parking, and would allow that the development happen in a manner consistent with what they understood the neighbors and the association to desire if and when that would happen to the East. They also think it is consistent with the planning objectives of the professional people. He deferred to John Rosen, President of Drake Student Body.

John Rosen, 2900 Forest Ave., President of Drake Student Body represented Drake students. Student interest is great; the majority of students want Walgreen's very badly and he referred to a letter he wrote to the Commission for the last meeting (November 4, 1999), which outlined a few reasons why. Students have been meeting, particularly in Student Senate, and have had a few discussions regarding Walgreen's. The Neighborhood Improvement Task Force has also been working with Senate. Students recognize the concerns of the neighborhood and the concerns of the business and University as a whole. One major concern is the future of the area; understand they must recognize what will happen in the future. Over all, it is important to the students that Walgreen's come in; and is something that is needed on that corner.

David Maxwell, President of Drake University, 2507 University Ave. spoke on behalf of Drake University. They see this project as critical in many ways to the future of this area. He shared two thoughts:

1. why this project is so important and
2. personal thoughts regarding concerns around the project.

Drake University needs the City's support in the economic and social development of the area around them as much as they need the City's attention to the Gateway projects and others.

This is an opportunity to improve the quality of retail in the area and to provide the kind of resource in the neighborhood that is wanted. Drake would like to get this project underway with the kinds of collaborative assurance that things in the future will go the way everyone wants them to.

1. Disagreements with the neighborhood association regard the nature of the project. The nature of the relationship of Drake with the Drake Neighborhood Association has been good. They have been supportive and collaborative and he was impressed by their passion for the quality of life in the neighborhood. They are a resource and a partner that Drake values tremendously. This has been a congenial disagreement;
2. A great deal of the neighborhood association's emphasis on the siting of the project and the concerns about parking has been based on the application of a publication from the National Trust for Historic Preservation on the new urbanism. He maintained it is misapplied in this instance. The corridor along University is not the mixed office/retail/residential neighborhood the booklet talks about. It talks about the renovation of existing properties, not the construction of new ones. Would like to see some concern about the consistency with Drake's architecture and the historical imperative that the neighborhood's oldest institution brings.
3. There's a concern about parking: neighborhood association is concerned about the attractiveness of looking at a group of cars in front of the building and the extent to which that impedes pedestrian access. He hoped they aren't looking at Drake University as being distinct from the neighborhood.
4. More importantly is the neighborhood association's legitimate concern that this is the tip of the iceberg; they are afraid of strip malls. They want the area around the University to be a vital residential and retail area that is a resource for the people that live and work there and one that is attractive and that has some consistency.
5. To ensure the neighborhood association and the Commission of their sincerity, the executive committee of the Drake Neighborhood Association, the Senior Administration of Drake, and the Drake University Board of Governors buildings and grounds committee will meet to discuss the collective concerns and aspirations for the neighborhood. They will develop guidelines to inform future decisions and projects. Drake has no plans to do further commercial development down University at this point. To ensure that it would be consistent if that ever happened, they would like to come to the Commission with the request to convert that strip along University to NPC zoning. The guarantees of any further commercial development, would be up against the sidewalk in way that everyone would like to see;
6. The key issue for Drake is that they see it as a distinct, separate project. As an Institution, they are comfortable with the way it is sited and think it is important that it be back from the street. That corner will be the main entrance to Drake University and they think it is important that people driving up to University not have to peer around a building to find it.
7. They feel Walgreen's has been accommodating to the concerns of the neighborhood, and Drake has done their best to accommodate the neighborhood.

Marilyn Staples: Referred to Dr. Maxwell's comments about retail opportunities around the campus and extending to the East sometime in the future. She reminded him that the area around University between 24th & 25th used to be a vital strip of land; lots of activity; students have moved away. Was hopeful that in talking to the Drake Neighborhood Association and the buildings and grounds people, they would also look at that piece of property, also, since it is the Eastern boundary. It is equally important that be kept alive. She urged him not to just

concentrate on 30th and 31st and University, but to also look at the surrounding streets. She was hopeful Drake would look at the whole picture.

David Maxwell: Indicated appreciation for the advice and indicated they would keep it in mind. Stated the Walgreen's project for Drake is a window of opportunity. They are not beginning an initiative to commercialize University between 31st and 25th. Walgreen's approached them because of their interest in doing this property. Drake is not focusing on University. Regarding the 24th and 25th street section, he pointed out that Drake has been instrumental in maintaining a number of those properties; put a number of offices in to sustain that block and are the primary tenant. Regarding the other parts of the neighborhood and the two blocks immediately opposite his office, between 26th and 28th and University and Cottage Grove, he indicated they only own 17 of the 57 houses. Forty of them are owned by absentee landlords, which he maintains is one of the primary causes behind the deterioration of the neighborhood.

Marilyn Staples: Hoped they would work with the neighborhood association and the City's Community Development Code Enforcement to ensure the absentee landlords live up to the code the City has written.

David Maxwell: Indicated that is already happening; Eldon McAfee and the Drake Neighborhood Association have been wonderful in monitoring that neighborhood and huge strides have been made. Drake is working closely with them and with the City.

Brook Wennerstrum: Asked if the shift from the East side of the campus to the West side of the campus means they are abandoning the East side of the campus.

David Maxwell: Responded this is not a shift, but a window of opportunity. They were not looking at putting commercial development into the West corner of the campus; Walgreen's approached them after doing their own studies about commercial/retail needs in the area and initiated a discussion about the availability of the property. They have no plans to develop any particular part of the area. Their plans are to meet with the neighborhood association and develop a collective and collaborative approach to what all the area concerns are. They are not shifting from one place to another. This is taking advantage of an opportunity that they see as a great opportunity for the neighborhood.

Fran Koontz: NPC zoning that the Plan and Zoning Commission created a couple years ago, and the neo-traditional new urbanist concepts are compatible. They aren't compatible outside of that. If NPC zoning is being sought, there would have to be understanding that it would have to meet some of the new urbanism of the neo-traditional design. The other issue was regarding the many houses that are now parking lots, due to Drake allowing their running down. The issue is surface parking, not an efficient land use. In Drake's increasing need for parking, that is an ongoing quest for Drake. Drake needs to be a good neighbor and understand that expanding surface parking is not in the best interest of everyone. She suggested a parking structure instead of increasing single surface parking.

David Maxwell: Agreed they need to.

Joe Schaefer: Thought Item #3 could be a lynchpin for Drake. He thought Drake does have an interest, although the perception is that Drake has abandoned the neighborhood.

Dann Flaherty: Asked Dr. Maxwell if he was in favor of rezoning the property to the south and east to NPC.

David Maxwell: To the east; didn't think Drake owned much to the south.

Dann Flaherty: Indicated he meant the south side of the street and down University.

David Maxwell: Affirmed.

Jim Dietz-Kilen: Asked how far down University Dr. Maxwell was contemplating.

David Maxwell: Responded that he thought it would be appropriate to go as far as the First Christian Church, which Drake does not own, but own up to it.

Herbert E. Rankin: Property owner in the Drake Neighborhood area and member of Drake Neighborhood Association, spoke in favor. Responded to the comment regarding the south side of University, indicating he called the City numerous times to get curb and gutter on 27th and has been told they don't have the money. He thinks it's wonderful that Walgreen's wants to come in the area and put up building and give the City of Des Moines tax payments. He urged the Commission not to condemn Drake.

Eldon McAfee, 3000 School Street, President of the Drake Neighborhood Association spoke in support, with conditions. Distributed a resolution from the association and gave an account of their activities since the last meeting:

1. met with President Maxwell and others from Drake University and talked about the issues;
2. held the regular Board meeting and talked a lot about this project; the following conclusions resulted:
 - decided not to change their position;
 - a lot of discussion about what Walgreen's means to the association;
 - support of the Walgreen's, but not the current site plan;
 - other issues, Walgreen's has expressed a willingness to address;
 - parking between the building and the streets remains the number one issue;
 - compromised and agreed to a setback;
 - understand and appreciate the position of Drake University, but an agreement on the parking issue was not met;
 - Board respects the students' position and believes the students respect the neighborhood association's position, but the siting issue is very important to the neighborhood;
 - Concerned if parking is allowed between 31st & University and the building it will not be in character with the current neighborhood.

Marilyn Staples: Concerned about appearance, but feels there should not be vehicular traffic all the way around the building, for safety reasons. Suggested a compromise of no parking between the building and University and allow one lane between 31st and the building. Indicated no one has spoken to changes in the façade, stating the friendly appearance of the building was previously discussed considerably; no new concept design for the building was currently being shown.

Frank Cownie: Suggested no recommendations be made yet.

Marilyn Staples: Responded she was just asking.

Eldon McAfee: Referred to the publication that had been previously distributed, pointing out it does refer to compatible new construction for chain drugstores. He stated the publication refers to "the following components helped preserve the existing commercial streetscape in most communities: no parking lot in front of the building". It also addressed "large windows at the street level and building materials that reflect local usage". He reiterated it comes back to no parking in the front of the building.

Dann Flaherty: Asked what kind of vote they received regarding their proposals and resolutions.

Eldon McAfee: Responded the resolution was adopted on September 30, 1999.

Dann Flaherty: Indicated he was referring to the last time those items were voted on.

Eldon McAfee: At the last meeting, a motion was introduced that would have changed the resolution, and after discussion that motion was withdrawn. There was no further motion brought to change the resolution, so nothing was brought to a vote. There was not enough support to change it to even bring a motion to the floor.

Dann Flaherty: Asked what the vote was like when they adopted the resolutions.

Eldon McAfee: Recalled it to be unanimous on the motion that was in front of the Commission. They have a 15 member board and 10-14 members have been present at the meetings regarding Walgreen's. Several meetings have been held and notices were sent out to all 350 members; 10-20 or 30 attended, including Drake students. Summarized that they know Walgreen's can do this; according to the information they have obtained, shows it can be done; it's a matter of economics and marketing, but felt as a matter of neighborhood and site planning and architectural design, it can be done. Requesting Walgreen's and Drake University's help in maintaining and improving the character of the neighborhood by giving them a store that would be a model. Reiterated support for the Walgreen's development; aren't saying it doesn't have its good points; happy with the design in many places, the parking issue is a major one to neighborhood association.

Joe Schaefer: Asked what the aesthetic difference was between the parking lot that is there now at 31st and University, and the parking that would be in front of the Walgreen's.

Eldon McAfee: He felt there to be a big difference between an empty lot with a parking lot on it and a store with parking surrounding it. Believed a parking lot serves the University as a need.

Joe Schaefer: Asked if the proposed design was right at street level.

Eldon McAfee: Asked Mr. Simonson.

Mike Simonson: Indicated it to be a little higher. The existing parking lot is about 4' above street level and they are proposing to drop it 3' to allow for the berm to camouflage the parking.

Stacey Rice: Sophomore student at Drake University, spoke in support of the decision; Drake University's for the following reasons:

1. Dick Pharmacy does not cover her out of state insurance; currently has to go off-campus;
2. Opportunity for students to have something available that they can go to every day for things they need that is within walking distance;
3. Parking is an issue, because students not from the area need cars and need parking;
4. Pleased that Walgreen's has put up trees to keep the parking back;
5. Agrees regarding the strip mall, indicating she doesn't want to see that happen;

Marilyn Staples: Asked if she understood the question is not Walgreens, but the siting of the store and a strong opinion that the architecture must fit the community and that the parking is not desirable in some places. She indicated it is not a question of whether Walgreen's is there, but rather how it is presented.

Stacey Rice: Affirmed understanding and agreed with the fact, but felt it also important to revitalize the neighborhood and thought Walgreen's proposal would allow a way to revitalize the neighborhood. She also agreed with the historic aspect and thought with the trees put up in the way it is proposed, will be better than it was before. With the parking issue, with them facing the store will be better than to have them up against the street; agrees with that.

Craig Drummond: 1235 34th St., Student Body Vice President, Drake University, supports Walgreen's and the current zoning because when you drive into Drake up 31st, you can see Drake University; if the building is put on the street you can't see Drake University.

Jim Dietz-Kilen: Wanted to ensure Mr. Drummond understood that the issue of having the building on the street was something a compromise had been reached on. The issue is whether there is parking between the building and the street.

Craig Drummond: Indicated there's no difference between a well-manicured building and the status quo parking lot.

Jim Dietz-Kilen: Clarified that the discussion was about a proposed change and that the question is whether they agree that the proposed change is a good plan for this part of the city. The issue of whether it's a parking lot or the proposed Walgreen's as it is set out, is no longer the issue. The issue is now if the plan a good plan.

Craig Drummond: Thinks the plan is a good plan.

Fran Koontz: Indicated that as a student of Drake University, he probably won't stay after graduation. The people who live in Des Moines have to live with the plan for the rest of their lives. Urgently trying to revitalize the 150 year old city so the issue has to be larger than any one parochial interest.

Frank Cownie: Suggested not advising the speakers.

Fran Koontz: Stated that this Walgreen's could be used if the parking were on the side, not on the front.

Larry James, Jr., 2909 Cottage Grove: Spoke regarding the new urbanism concept that was discussed and indicated he is interested and has been studying it and as a member of the Congress of New Urbanism, indicated the point that the urbanists pattern their buildings after the existing architecture is true to a point. He didn't think new urbanists would say building a

building away from the corner is a good thing to do. Not talking about a new Drake building, but are talking about a new commercial building; the difference has to be made. Thode's is the last of three buildings that has to be considered and it does reflect the character of the neighborhood, despite the fact that those have been torn down. Asking to keep the character, not anti-development; there has to be some way to compromise and was hopeful the commission would find in favor of the Walgreen's with the conditions the neighborhood has set.

Bill Cappuccio, 1084 24th Street: Addressed Mr. Schaefer's comment regarding the parking lot and stated this is not a choice to them between a Walgreen's and a parking lot. Parking lots are not permanent. This building will be there for a long time; going to have to live with it. That's why it's such an important issue to the neighborhood.

Marilyn Staples: Asked if the concept of the building could be seen.

Bill Lillis: Indicated they agree with the staff recommendation to have the brick in keeping with Drake, but that there could be some breaking up of the building to alleviate those concerns and there could be some windows. The issue is still the parking, but thought they were in agreement with the aesthetics.

Frank Cownie: Asked Mr. Lillis if he had seen the Drake Neighborhood Association's resolutions.

Bill Lillis: Indicated he had.

Frank Cownie: Asked if he was in agreement with "B" and "C" under Resolution "A".

Bill Lillis: Did not remember what "B" and "C" were. He then read the Resolution and indicated the Architects would be working with staff regarding the aesthetics.

Frank Cownie: Asked about Resolution "B".

Bill Lillis: Was unsure what it meant and indicated Drake is selling the property to an investor who has a 60 or 50 year lease with Walgreen's. It will be a Walgreen's and the development of that property will be a Walgreen's. He indicated Walgreen's does not own a lot of its own real estate and couldn't say they agreed with Resolution "B".

David Maxwell: Commented on the testimony of the students and asked that the Commission not underestimate the importance of their testimony and not look at Drake students as trends. One in six of the out of state students remain in Des Moines to work after graduation. The assumption that students come in for four years and leave and don't care about the future of the neighborhood is likely inaccurate. Responded to comments regarding the consistency of existing architecture. Referred to the sentence read by Mr. McAfee from the National Trust for Historic Preservation book on the new urbanism and the statement regarding construction preserving the existing streetscape. Referred to "a site plan that fits the other designs in the neighborhood" and indicated Drake is the "other" biggest design in the neighborhood. Referring to "the architecture should fit the community" and indicated there are a lot of different things in the community. Are not opposed to the new urbanism; have committed themselves to asking for zoning that will guarantee that kind of construction down University if it ever happens. Walgreen's is a retail operation that has done their homework and they know what the projected density of demand is. They have a formula that says in order to sustain a retail operation in this

kind of demographic neighborhood, they need a certain number of parking spaces. If they can't have a certain number of parking spaces, they will walk away from this. They need to be confident that this site will survive. Drake would like a little compromise and a little room to move in a direction they think is important for the neighborhood and would appreciate some consideration.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Frank Cownie: Read a letter received from Thode's Sporting Goods, which stated "an increase in the number of quality businesses in the area can only have a positive effect." Mr. Thode urged the Commission to support the Walgreen's construction.

Becky Morelock: Asked Walgreen's if they will still build their store if the Commission recommends for the Drake Neighborhood Association.

Bill Lillis: Indicated they have asked that question of Walgreen's and the answer is they will not build a store without the parking in the front.

Dann Flaherty: Moved staff with the following addition: at Drake's request, ask that staff initiate a rezoning of the property on the east side of the street on the south side of University to NPC.

Frank Cownie: Asked how far.

Dann Flaherty: All the way to the First Christian Church.

Joe Schaefer: Asked Mr. Simonson how much handicapped parking space is required in a lot this size.

Mike Simonson: Addressed the question, indicating by ordinance they are required to have four.

Joe Schaefer: Asked if it was correct that they needed to have a proximity to the entrance.

Mike Simonson: Affirmed.

Fran Koontz: Indicated Walgreen's will have a drive thru for the ill and people that don't want to walk into the store. She suggested eliminating the parking along University, but leave it along 31st for the handicap parking. She sympathized with the neighborhood and with Drake, but indicated a line had to be drawn for developers. NPC has guidelines on how to orient buildings to the sidewalk and why that is done and why the return to new urbanism and neo-traditional design. She offered a friendly amendment to the motion that parking along University be eliminated and allow the parking along 31st.

Dann Flaherty: Asked for Mr. Lillis to give some flavor as to whether such an amendment would spoil the project.

Bill Lillis: Indicated that question had been asked and all indications are that if Walgreen's does not have the required number of parking spaces, on both 31st and on University, Walgreen's would not build the store at that location.

Dann Flaherty: Asked how many parking spaces it would take to make it work, from zoning.

Erik Lundy: The 66 spaces are as low as they could go to include an administrative type approval to lower the amount. There were 68 on the site currently.

Jim Grant: Indicated the zoning requirement is higher than the 68. The 66 would be the number allowed if the Community Development Director was able to grant the 15% variance in the parking without going to the Board of Adjustment. There are 68 shown, but the requirement is 76.

Dann Flaherty: Indicated he heard the friendly amendment and would normally like to go along with it, but it couldn't be made to work with the reduced number of parking spaces.

Tom Clarke, Sr.: Agreed and supported the motion to support staff and felt that in this instance, Drake, the developer and Walgreen's have gone the extra mile in meeting with the neighborhood association. The project has changed remarkably since it was first presented and the setback from University and 31st street is probably the best thing for the neighborhood to have an entrance to Drake University. In supporting the motion on the floor, he moved for a division of the question into 1A, 1B, and 1C so they could vote separately on each of them.

Marilyn Staples: Asked how many employees would be on the property at any one time and what the hours would be and where the employees would be parking. Referring to the 68 parking spaces, she indicated rarely seeing a Walgreen's with that many cars in their parking lot.

Mike Simonson: The maximum number of employees at any one time would be 20 because they overlap during shift change. There are 18 parking stalls along the south where the employees would park.

Fran Koontz: Asked if that would be adequate even with a little overlap.

Mike Simonson: Affirmed.

Frank Cownie: Asked about the hours.

Mike Simonson: Responded they would be from 8:00 a.m. until 10:00 p.m.

Dave Little: Called the question.

Jim Dietz-Kilen: The Walgreen's proposed project is important to the University, the students and the neighborhood and the city. Approved the suggestion of the NPC designation running along the south side of University and couldn't agree more strongly that the planning for the whole area needs to occur and the sooner that can occur, the better. He was comfortable with the assurance that Drake does not have plans for additional developments along that area, although unsure there can be total comfort that other things won't happen in the future that could change that. If the Commission goes along with this proposal, he sees them tipping the balance in the direction of having buildings surrounded with asphalt and parking and was uncomfortable with that, stating that would not be consistent with the vision of the people in the area. He reluctantly could not support the resolution; the motion.

Marilyn Staples: Asked what impact it would have on the existing parking that Drake possesses if this is zoned to NPC from the east of the building to 25th street on the south side of University. Her understanding was that there could be no parking with an NPC.

Jim Grant: Indicated they can have a parking lot in the NPC, but it has to follow the guidelines that are established for parking lots and the site plan would have to go before the Plan and Zoning Commission. They are currently operating under the R-3 zoning standards, which is a permitted use with regard to the University, but every time a change is made in their parking lot, they now go to the Board of Adjustment. This would require, if a new parking lot were constructed in that area, a site plan would be prepared and they would return to the Plan & Zoning Commission.

Bruce Heilman: Thanked Mr. Rankin for mentioning that Drake will be returning this to the tax rolls. He offered two suggestions to the motion regarding the NPC:

1. have staff begin to study a change to NPC; couldn't visualize NPC all the way along there;
2. on page three of Staff Recs, item three should say "Brattleboro Avenue to the southwest" instead of "to the southeast";

Wholeheartedly supported this and commended the Drake Neighborhood Association for their tenacity in demanding quality design standards, but believed Walgreen's.

Dann Flaherty: Accepted that as a friendly amendment.

Joe Schaefer: Supported the project and the motion.

Bob Mahaffey: Can support motion as it now stands, having staff look at the NPC. He thought Walgreen's, by reducing the height of the parking and building the berm and landscaping on top of that, the cars won't be seen as they are now. He felt the neighborhood has worked diligently with this, but there has been cooperation from Walgreen's and Drake and would now support the motion.

Marilyn Staples: Asked where it says in staff that there will be a berm and the extra landscaping. It's not in writing and her previous experience has shown that a verbal promise is not adequate. She would like to see it in writing.

Dann Flaherty: Asked if that was a friendly amendment.

Marilyn Staples: Affirmed.

Dann Flaherty: Accepted that.

Voted on item "1A" to find the rezoning request in conformance with the Des Moines 2000 Land Use Plan. All voted in favor with the exception of Brook Wennerstrum, who was opposed (11-1).

Voted on item "1B" to rezone the property from an "R-3" Multiple Family Residential District to a "C-1" Neighborhood Retail Commercial District, with the friendly amendments. All voted in favor with the exception of Brook Wennerstrum, Jim Dietz-Kilen, and Fran Koontz who were opposed (9-3).

Voted on item "1C" to vacate and convey the North/South alley right of way. All voted in favor with the exception of Brook Wennerstrum who was opposed (11-1).

COMMISSION ACTION:

Three motions were made as follows:

1. Motion was made to approve staff recommendations on "A".
(Dann Flaherty)

THE VOTE:

11-1 (Brook Wennerstrum opposed)

2. Motion was made to approve staff recommendations on "B" with the friendly amendments as follows:
 - have staff begin to study NPC for areas surrounding Drake neighborhood;
 - addition of language to ensure berm and extra landscaping are installed along both 31st Street and University.

(Dann Flaherty)

THE VOTE:

11-3 (Brook Wennerstrum, Jim Dietz-Kilen and Fran Koontz opposed)

3. Motion was made to approve staff recommendations on "C".
(Dann Flaherty)

THE VOTE:

11-1 (Brook Wennerstrum opposed)

Dann Flaherty and Dave Little left the meeting.

Item No. 2

- 1) A request from Bill Moyer d.b.a. Imperial Properties, Inc. (Owner) to rezone property located at 5803 Hickman Rd.
 - A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
 - B) Rezoning of property from "C-1" Neighborhood Retail Commercial District to Conditional "C-2" General Retail and Highway Oriented Commercial District for a used car sales lot. (10-2000-3.08)

STAFF REPORT

The applicant is requesting "C-2" zoning designation to allow location of a new used automobile sales and display operation as a redevelopment of a former restaurant site along the intersection of Merle Hay Road and Hickman Road.

The surrounding neighborhood consists of commercial properties to the East and South. To the North and West is church use that is residentially zoned. There is multi-family residential use to the southwest.

The site plan submitted by the applicant indicates that the existing commercial building would be removed to provide for a new 22' x 32' Office/Service building. The plan complies with all setback, landscaping, and screening requirements. The site plan indicates locations for 27 vehicles to park or be displayed. Two of these spaces would be required for off-street parking requirements and at least 10 of these vehicles would need to park tandem.

Staff believes that this is a small site and that the tendency for used car operations is to put as many vehicles as possible on site not allowing adequate circulation and parking for customers. Staff is also concerned that maximizing the number of vehicles in this fashion will appear overcrowded on such a small site and will not promote a good aesthetic character to the neighborhood area. Staff feels that a retail use within "C-1" would be most appropriate use for this site.

The subject property of the requested rezoning falls within a Neighborhood Core Commercial designation at the intersection of Merle Hay Road and Hickman Road. The intersection serves as a South end node to the Merle Hay commercial corridor.

There is currently a neighborhood commercial center and other small businesses located in this vicinity including "C-2" zoning on the opposite corner of the intersection. Since the proposed "C-2" zoning is a commercial type zoning, staff believes that it is compatible with the Neighborhood Core Commercial designation.

STAFF RECOMMENDATION

Staff recommends denial of the requested rezoning based on the inadequate size of the site for display of cars creating a negative aesthetic impact on the surrounding neighborhood. Should the Commission recommend approval, conditions should be placed as to restrict the site to 27 cars allowed for display with two of those as required dedicated off-street parking spaces. Also a 24' maneuvering aisle should be maintained throughout the site as shown on the submitted site plan.

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

Response Cards Received

3 in opposition

4 in favor

This item would require a 6/7 vote for approval because of objection of owners of property in excess of 20% in the area within 250' of the proposed rezoning.

SUMMARY OF DISCUSSION

Becky Morelock: Asked if they would have enough room to have the proper setbacks, if this was approved.

Erik Lundy: Indicated they have shown a site plan that shows the proper setbacks, but the point staff is trying to make is the crowding and the visual effect and impact it will have on the neighborhood.

Tom Clarke, Sr.: Asked if this was changing this to a C-2.

Erik Lundy: Affirmed.

Tom Clarke, Sr.: Indicated across the street is C-1 and all down the street is C-1 and R-3 and asked where the closest C-2 was.

Erik Lundy: Responded it was directly to the southeast; it was rezoned at a later time. There is an auto repair business on that site and a vacant portion of C-2.

Brook Wennerstrum: Indicated it was their lot.

Erik Lundy: Affirmed, stating it is one ownership.

Tom Clarke, Sr.: Asked if it was Rissman Auto Parts.

Erik Lundy: Indicated it was an auto repair business.

Tom Clarke, Sr.: Asked if George the Chili King was right to the east.

Erik Lundy: Affirmed.

Robert Nading, 408 SW 3rd St., Ankeny, Iowa: spoke on behalf of the applicant, Imperial Properties who also owns Car City, Inc. Brian Shiffler working with staff to develop a plan for the corner. Request seems to be open-ended from C-1 to C-2. Applicant is willing to limit to a C-2 limited to used car lot only. Agreed with staff's objection that the lot is not large enough to accommodate a used car facility on this corner; did not agree that it is not large enough to accommodate the facility; it reduces the size of the facility. Indicated Brian Shiffler could speak to what they've done to try to utilize the corner in the manner they are asking the Commission to permit. Neighborhood meeting held; three individuals attended in favor of the request; one phone call received in favor. Mr. Shiffler received no opposition to it. Owner of the property agrees to the restrictions staff has recommended, to limit to a particular number of spaces, which he thought to be 27.

Marilyn Staples: Asked if Mr. Moyer owns the property, or is just leasing it.

Robert Nading: Applicant is Imperial Properties, Inc.; owner is Imperial Properties, Inc. Bill Moyer is the manager of Imperial Properties and of Car City, Inc.

Fran Koontz: Asked if they were going to lease it to Car City.

Robert Nading: Affirmed, indicating the owner, Imperial Properties, would lease it to Car City, Inc.

Brian Shiffler, Shiffler Associates Architects, 317 6th Ave., Suite 1000, Des Moines presented a site plan. He and Mr. Moyer tried to work directly with City staff from square one. They immediately placed issues that arose on their site plan. City required setbacks for parking and building. Asphalt will be removed and the front buffer will be landscaped; 7' of landscaped area will be installed; side parking only. Side yard setbacks will be landscaped; proposing 3' tall fence for the first 25' of the property and 6' fence for the remainder. Would be happy to trade the fence for additional landscaping and would work with staff to create a formula for that. Showed 27 cars on the site plan with a 24' circulation aisle through the site. Don't believe a small used car sales lot and attractive property to be incompatible. Attempting to work with City staff to follow the City guidelines for enhancing the beauty of the lot.

Joe Schaefer: Asked if he had any renderings of the building.

Brian Shiffler: Indicated he did not.

Jim Dietz-Kilen: Asked Mr. Shiffler what provisions were being made for customer parking.

Brian Schiffler: Two of the 27 stalls would be dedicated for customer parking.

Becky Morelock: Asked about the demos that the salesmen would drive.

Brian Schiffler: Responded they would be in the 27 cars; they are content to limit the parking on the site to 27 cars with the 24' drive through; it all fits.

Becky Morelock: Asked how many salesmen would be there.

Brian Schiffler: One at a time.

Bruce Heilman: Asked what the building would look like, that might be the key to this.

Brian Schiffler: Exterior materials not discussed; described the floor plan.

Marilyn Staples: Asked what materials they were contemplating using.

Brian Schiffler: Had not been discussed. Felt it important to ensure zoning was acceptable; promised he would make it attractive.

Bob Mahaffey: Asked if the Commission could be guaranteed that it would be compatible with surrounding buildings.

Bill Moyer, 6373 NE 29th, Ankeny: Plan is to build all brick; discussed making the fence out of brick to match the building to make the whole concept nice looking. Planning to tear up the old asphalt and completely repave the whole lot and put in some new light poles to light the lot, for a very attractive lot. Plan to have highline cars there; won't be a junk lot. Would be a big

improvement over what is on it now. Have had several chances to lease the property as it is and felt this to be far better; will be a substantial investment.

CHAIRPERSON OPENED THE PUBLIC HEARING

Roger Lane, 2101 Center St., West Des Moines, owner of Lane's Fast Lube across the street. Contend that if the Chinese restaurant is torn down, anything put in would help the neighborhood. In the process of requesting rezoning for the property across the street. Sinclair wanted to increase the rent when they wanted to renew his lease, so they told him he could sell 15 used cars on the lot, in turn. Believes the landscaping done by him and Moyer will enhance the neighborhood.

Frank Cownie: Asked if he was or was not going to have a Sinclair station there any more.

Roger Lane: Sinclair owns the property.

Frank Cownie: Asked if he wanted to rezone it.

Roger Lane: Affirmed, indicating to C-2 for used cars.

Frank Cownie: Asked if he was currently in violation.

Roger Lane: Indicated he subleased.

Frank Cownie: Asked if somebody else was selling used cars.

Roger Lane: Affirmed, indicating he subleased to RS Sales and Service.

Frank Cownie: Asked if they were in violation, then.

Roger Lane: Affirmed and added that he told them when he signed the agreement with them, that they had to be in compliance with all zoning. They went to the DOT, obtained their used car license, and inspector, Mr. Knutsen, informed them the property was not zoned properly, so they are in the process of getting it rezoned; have filed paperwork.

David Phillips, 2100 Westown Pky, West Des Moines, appeared on behalf of Joan Thaler, who owns the Hickman Shopping Center; their anchor tenant is the Carver Ace Hardware store. Spoke in opposition and indicated good planning is to keep like businesses together. The C-1 use is designed to serve the people in the neighborhood and stated the retail stores in that area do just that. Indicated if you want a car, you don't have to go very far; it's not hard to find in that area. This plan is undesirable because most of the area is C-1 and if C-2 is created, it will be up against the R1-60. Buffered zone is being lost, which is undesirable. The idea that the old Chinese fast food can be torn out and anything would look better is fine, but it still affects the quality of the neighborhood and it still adds to the deterioration of the neighborhood. Suggested it be fixed up for it's intended use. His client, Joan Thaler is in opposition; the property committee from the Church is in opposition; Jim Conlin, who owns an apartment building in the southwest corner, is in opposition. Each of these individuals will be at, or have representation at Council to speak against this. Suggested maintaining the character of the neighborhood within its intended uses and keep the good planning in check.

Robert Nading: Hoped the Commission would not make the decision based on zoning violations. Asking the Commission to consider putting a used car lot on that corner and stated they would be willing to agree to prior approval of staff on a particular building and materials to be used on the building.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Fran Koontz: Moved staff.

Jim Grant: Indicated staff had the slides of the different lots to illustrate what happens when there is an undersized or very small lot. It may start out in compliance, but there is a tendency to get out of compliance over time with the operation. Staff was not trying to indicate there were violations or past violations with a particular operator.

Tom Clarke, Sr.: Asked Mr. Grant about the staff recommendations regarding the 2000 land use plan conformance. He indicated there is only a small area spot-zoned C-2; the rest is zoned C-1, which is more in conformance with the neighborhood that the R-3 or R1-60. He asked why the C-2 has to remain.

Jim Grant: The principle involved in the difference between the comprehensive plan and zoning. The comprehensive plan calls for commercial. It talks about the appropriateness for commercial in different spots. It does not get into the intensity or degree of zoning that should be there. He indicated it is already zoned, but the difference between the comprehensive plan and zoning is that that's where the intensity that should be there is decided. The comprehensive plan is in conformance with the area because it calls for commercial and there is commercial there and a commercial operation is being talked about. When it comes to the intensity, staff recommended against changing the intensity.

Tom Clarke, Sr.: Indicated there is an R1-60 to the north. Right next to it is the R-1, which is the Church. He asked if it would be more in conformance with the plan to change the C-1 to an R1-60.

Jim Grant: Stated that would be a decision that would be made when deciding what to do with the comprehensive plan for this intersection. The comprehensive plan for this intersection in the past, the Plan & Zoning Commissions and the Council that were sitting at the time, deemed it appropriate to zone that commercial. It is not definitive like a zoning line that goes around it, it just says commercial is on the corner. Then you decide through zoning where the commercial zoning goes. The Commission and the Council decided these lines were appropriate, years ago.

Tom Clarke, Sr.: Indicated the applicant also spoke in terms of the small and difficult parcel and indicated the answer is to rezone it in conformance to the surrounding area, not to make special plans.

Jim Grant: Indicated those are the kinds of decisions this Commission will be faced with next year when the proper comprehensive plan and proper zoning classifications throughout the entire city, when the ordinance is redone. At this particular time, what's on the books is commercial.

Frank Cownie: Asked Mr. Clarke if he didn't agree with that.

Tom Clarke, Sr.: Indicated he just wanted an explanation.

Fran Koontz: Reiterated the motion to support staff and deny. She added that when the new 2020 comprehensive land use plan and the intended ordinances is done, is when the mess is cleaned up, where they don't differentiate between C-2 car lots in recommendation or a C-1 neighborhood oriented commercial node, and stated there's a vast difference.

Marilyn Staples: Indicated support of Ms. Koontz and stated one of the things talked about during the 2020 meetings and the Commission's adoption of the 2020 Plan, was what a terrible job was done on Merle Hay north of Urbandale. In previous Commission meetings, there has been discussion about drawing the line at Urbandale and not allowing that kind of strip development to occur any further south. This is a neighborhood use and not C-2 use and she would not want to see the character of the zoning made more intense and was concerned to learn that the properties north of Sinclair, are owned by the applicant. There seems to be a tendency to let the property deteriorate and then requesting, since there is no tax dollar being given, that a used car lot be put in. She supported staff wholeheartedly.

Joe Schaefer: Agreed with Marilyn and supported the motion. He felt this represented an ominous turn along Merle Hay if this is approved; thought the Commission needed to tighten up.

Bruce Heilman: Was not convinced this is the best use. He stated he might go along with this, but since another request will be entertained, must be fair and evenhanded and would feel the need to vote in favor of the next one, if this is voted in favor of. Concerned this is not the intersection for a series of used car lots.

Becky Morelock: An empty building in the neighborhood is not a good thing, but neither is having a used car lot in the neighborhood and totally changing the makeup of the neighborhood is not a good think, either. She urged Mr. Moyer to take one of the other offers to lease this as an existing business, instead of making this a used car lot. She supported the motion.

Brook Wennerstrum: Called the question.

All voted in favor of the motion to support staff recommendation (10-0)

COMMISSION ACTION:

Motion was made to accept staff recommendations.

(Fran Koontz)

THE VOTE:

10-0

Brook Wennerstrum left the meeting.

Item No. 3

A Plan and Zoning Commission initiated request to rezone property located at the southwest corner of Martin Luther King Jr. Parkway and Forest Avenue. Subject Property is owned by Polk County.

- A) Determination as to whether this application is in conformance with the Des Moines 2000 Land Use Plan.
- B) Rezoning of property from a "C-2" General Retail and Highway Oriented Commercial to "NPC" Neighborhood Pedestrian Commercial District for a new senior center. (10-2000-3.07)

STAFF REPORT

Through a joint effort, the City of Des Moines and Polk County have begun measures to revitalize several properties at and around the intersection of Martin Luther King Junior Parkway and Forest Avenue. Included in the plans for the area are a proposed Senior Citizens Center, retail space, offices, and parking to accommodate these proposed uses. Along with the above projects, and in keeping with the City's Urban Renewal Plan, the project area will be designated an "NPC" Neighborhood Pedestrian Commercial District. The "NPC" designation supports a variety of commercial, retail, and residential uses in a compact, pedestrian friendly environment with minimal encroachment into surrounding residential uses.

Historically, the area surrounding the Martin Luther King Junior Parkway / Forest Avenue intersection has contained a variety of commercial, retail, and service uses. At one time, a grocery store, a drug store, general merchandise stores, and restaurants, along with a mix of services combined to make the area a thriving neighborhood commercial center. A combination of social and economic factors, including suburban flight and a change in purchasing habits, has left the commercial district in a state of decline that over the last three decades has culminated in near blighted conditions. While a few remnants of the thriving commercial center remain, the diverse, "neighborhood retail" qualities of the area have disappeared.

The revitalization effort in the Martin Luther King Junior Parkway-Forest area addresses several issues that the City and County consider vital to re-establishing stability and community in a distressed district. To that end, the cooperative effort of both public entities is focussed on a community based public institution, the Polk County Senior Center, and commercial space designed for neighborhood pedestrian access, but capable of utilizing the traffic flow from both Forest Avenue and the Martin Luther King Junior Parkway-19th Street corridor.

Polk County has purchased the properties located between the southbound Martin Luther King Junior Parkway and the northbound 19th Street along the South side of Forest Avenue. The properties described above known as the "Mustard's Site" on the, have been cleared. Due to the visibility of the above properties and their adjacency to the high volume traffic flows of Martin Luther King Junior Parkway, 19th St, and Forest Avenue, the site represents a prime retail location and as such will be aggressively marketed by the City as the revitalization progresses.

The properties within the area proposed for rezoning encompass what was once a significant portion of the neighborhood's commercial district. The above in mind, the City and the County view this block as the most appropriate location for both the Senior Center and pedestrian friendly retail. The county currently owns these properties. From the southwest corner of the Martin Luther King Junior Parkway-Forest intersection, the new Senior Center will reach over half of the block westward toward 21st St, and the structure and parking area will reach southward along Martin Luther King Junior Parkway nearly one third of the distance to Carpenter Avenue. The remaining property along Forest Ave. to 21st St. is designated retail space as is the area south of the Senior Center along Martin Luther King Junior Parkway. While both retail spaces contain adequate parking facilities, the City and County stress the significance of the "neighborhood" and "pedestrian friendly" aspects of the proposed project.

With agreement between the two governmental entities, the City initiated rezoning the project area to a "NPC" Neighborhood Pedestrian Commercial District. The "NPC" designation is designed to allow for the integration of a mix of uses and activities into a compact, interrelated, pedestrian friendly environment. The physical characteristics of "NPC" Districts include reduced setbacks from major thoroughfares and adjacent properties, interconnectivity between uses, pedestrian amenities such as courtyards and benches, and reduced parking requirements. The primary purpose of the "NPC" District is to create a compact mixed-use area that serves both the local community and citywide consumers with minimal adverse impact on the surrounding residential uses.

The 11,500 square foot Senior Center will be the primary public institution in the revitalization area, and will serve a variety of functions. The services will include a kitchen and dining room, billiards, crafts, exercise, and conference facilities, a library, and a health center, along with other multi and special purpose facilities. Perhaps most importantly, the Senior Center will act as a community anchor, repopulating and revitalizing an area that has experienced commercial, community, and physical decay, particularly over the last decade. While not readily or easily quantifiable, the value the new center will supply to the community will be enjoyed by the adjacent commercial ventures and neighborhood residents.

The project has included land acquisition, demolition and clearing, and also includes construction of the 11,500 square foot Senior Center to be located at the Southwest corner of the intersection.

The 2000 Land Use Plan identifies the area located in the vicinity of Martin Luther King Junior Parkway and Forest Avenue as being part of the Carpenter Neighborhood. This neighborhood has participated in the City's Designated Neighborhood process and, as a part of that process, developed a future land use plan for this area.

The Carpenter Drake Park Action Plan, approved on September 18, 1995 classifies the Forrest Avenue Corridor as "Commercial." The land located to the South of the Forest Avenue Corridor has been classified as "Medium Density Residential."

In 1997, the Forest Avenue/Martin Luther King Junior Parkway Urban Renewal Plan was adopted. This plan has the purpose to retain and expand existing viable commercial development, target new quality investment in the commercially zoned area, and

increase employment opportunities for residents of the surrounding neighborhoods. Another purpose of the plan is to prevent continued housing deterioration and to support new residential investment in the surrounding neighborhoods.

The applicant is requesting a rezoning to an "NPC" Neighborhood Pedestrian Commercial District. The specific plan for the area is to acquire land to be used for a residential Senior Center and some retail along Forest Avenue.

STAFF RECOMMENDATION

Staff recommends approval of the requested rezoning to "NPC" Neighborhood Pedestrian Commercial.

Staff recommends that the Commission find this application in conformance with the Comprehensive Plan.

Response Cards Received:

13 In favor
1 In opposition

SUMMARY OF DISCUSSION

Bruce Heilman: Asked how the C-2 at the northeast corner of King and Forest is impacted.

Erik Lundy: NPC does not change a lot of the uses.

Bruce Heilman: Asked where, on the consent map, the NPC would extend.

Erik Lundy: Pointed it out on the consent map.

Frank Cownie: Asked if they were only going to do the south side of Forest.

Erik Lundy: The request to vacate and convey the alley is already in the process and has been in front of the Commission and Council.

Bruce Heilman: Asked if they were talking about the County project, and staff still planned to study their surrounding business neighborhood for expanding NPC.

Erik Lundy: Affirmed; this would be only for this site and this project, in particular. Referred to Mr. Jesse from Polk County for further elaboration.

Marilyn Staples: Urged that Forest Ave. be looked at for an NPC. One block is a nice start, but would like to see Forest Ave. become more pedestrian-friendly.

Erik Lundy: Neighborhood Development Division is actively involved in revitalization of the Forest Ave. corridor and is participating in projects on both sides of the street with funding for some of the public improvements in the area.

Joe Schaefer: Asked if there had been any discussion regarding the apartment building on 21st south of this for redevelopment ideas.

Erik Lundy: Had not heard anything and asked if it was vacant.

Joe Schaefer: Believed it was still being occupied.

Norman Jesse: When discussion began about working in this area, he thought staff was going to recommend a wider scope of rezoning for the neighborhood pedestrian commercial district. When the specific project began and was before the Commission previously, the County had not yet acquired all the property. He was unaware that the change to neighborhood pedestrian commercial would render non-conforming with one of the uses that existed on the property at the time; that's why it was withdrawn. They did not intend to change the rights of the existing owners or to affect their evaluation of what they might derive.

Frank Cownie: Asked if he agreed with staff recommendations today.

Norman Jesse: Affirmed, but thought it could encompass more land than is included in the application. The site plan indicates the building close to the corner, which is the character that is in that neighborhood. The building they've agreed to renovate is on the sidewalk, as are the buildings in the next block. It seems to be the character of the neighborhood and the zoning would permit the County to locate the building there, irrespective, because it is C-2 zoning, but would require a 25' setback, which would be a temptation to park cars there. It was the feeling that the parking be brought into the interior so the parking was not the prominent feature of the project.

Frank Cownie: Asked if he would be available for comment if necessary; Commission was comfortable with him standing behind the recommendation.

CHAIRPERSON OPENED THE PUBLIC HEARING

Eldon McAfee, 3000 School Street spoke in support of the project at this site on behalf of the Drake Neighborhood Association. They are very much in support of the NPC; very enthused of the proposal as it is shown on the site plan. They are in full support of the other businesses in the area, however, as part of the resolution supporting the project, expressed a strong opposition for any future plans for any multi-unit housing. There are some references to a phase 2; the neighborhood association does not believe multi-housing fits with the Drake Carpenter revitalization plan for this area. It would increase density and they have some ideas about what could be done. They have NPC for the north half of the block and are in full support of that and would like to take a look at some zoning for the south half of the block that could address their concerns regarding multi-unit housing.

Nathan Brooks, 1060 25th St., Drake Neighborhood Association Board member: Referred to the suggestion of NPC throughout the south side of the University corridor. Some Board members discussed extending the NPC throughout the entire block. They did not take action because of questions and comments regarding consequences and conditions that would be asked of the Commission for consideration. They would ask for a restriction of R-2 in any future housing development in the area. There was concern that Phase 2 of the County's plan or some other party would come in and want to build housing in that section. He referred to the site plan: the architectural element that goes through the drive way and at the front of the building, are a cross section, possibly a pedestrian pathway leading to the heart of the southern side of the block. He

requested the Commission consider the study of NPC for the entire block and create the restriction or condition that housing be R-2.

Bruce Heilman: Asked if he was referring to high density R-2/R-3 apartment or that type.

Nathan Brooks: Affirmed.

Richard Meeks, 1345 21st St., spoke in opposition of the NPC zoning. He understood there was a plan buyout of his property and now the plan has changed and a life is being affected, not just a building. He questioned the legality of spot zoning.

Fran Koontz: Asked Mr. Meeks if he understood what the NPC zoning is.

Richard Meeks: Affirmed he did.

Fran Koontz: It's not incompatible with that.

Richard Meeks: Addressing the original plan in March with the C-2 zoning to buy his house out. If the Senior Citizen recreation center and have NPC, he would not be able to ever sell to a large development that could happen.

Fran Koontz: Asked Jim Grant if Mr. Meeks would need to talk to the County.

Jim Grant: The block currently is zoned C-2, so the NPC zoning is a down-zoning. The uses there now, would continue to be available even after the rezoning. It allows a certain amount of site plan variance as a result and a site plan review process through the Planning Commission. The uses do not change as a result of the rezoning.

Richard Meeks: Standing in opposition of it; thoroughly investigated it and convinced spot zoning is taking place.

Bill Cappucio, 1084 24th St., commented on the area to the south. Attended numerous meetings on the Senior Center project and a phase 2 was shown originally with an apartment building there that was to be for senior housing. It was consistently compared to Corinthian Gardens. Having served on the Public Housing Board, he knew Corinthian Gardens could not be strictly an elderly housing unit, but is a low-income housing unit. They give preference to the elderly, but that's not the only people that live. They were talking about low-income housing and increasing the density, which is counter to what they have been trying to accomplish in the Drake Park Carpenter neighborhood redevelopment plan. When the neighborhood association starting mentioning it, the apartment building disappeared and whenever they asked questions, the County officials told them it wouldn't be there if the neighborhood didn't want it, but that it would be a great place for one. He would like to see something done to preclude any kind of development of that sort.

Fran Koontz: Suggested that since there was concern, the neighborhood and the Planning Department and the County need to be looking at this in its entirety and develop a plan for now and in the future to allow it to grow into what it should be, to restore it to what it was at one time. Felt the rezoning to NPC was appropriate, and the next step needs to be to look at a master plan for the area so they can come together and plan something that is appropriate.

Frank Cownie left the meeting; Bob Mahaffey took the chair.

Bob Mahaffey: Thought that to be a good idea and thought staff had recorded that so they will be addressing it in the future.

Norman Jesse: Mr. Meeks is just south of their property line. His property remains in the designated acquisition area in the City's Urban Renewal Plan. When the County was talking about how to develop their plan, with City staff, they decided to develop it in phases. There are a phase 2 and 3 called for in the Urban Renewal Plan and that is to be developed in the future. They already had the property north of Mr. Meeks' property and they acquired the rest of the block. That is all the land they needed for the Senior Center; it seemed logical to create a phase. He understood the concern of the neighborhood regarding multi-unit housing and it is true that there were discussions about whether senior housing project could be associated with the Senior Center. The County can not qualify for the funding that is required to develop such housing and their Board has never taken the position in favor of developing senior housing. Some members of the Board were not willing to become involved in a senior housing project.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Marilyn Staples: Asked if there was an improved Drake Carpenter plan; what the status of Drake Carpenter was.

Erik Lundy: The Carpenter Drake Park neighborhood plan is an approved neighborhood plan; one of the goals is to control the density of housing within the neighborhood. That came out of that approved plan and is part of the comprehensive plan.

Marilyn Staples: Asked if there was a plan in place.

Erik Lundy: Affirmed.

Marilyn Staples: Moved staff.

All voted in favor (8-0)

COMMISSION ACTION:

Motion was made to approve staff recommendations.
(Marilyn Staples)

THE VOTE:

8-0 in favor

Item No. 4

Deferred to the December 16, 1999 Plan & Zoning Commission meeting.

Fran Koontz: Asked Roger Brown if a quorum was needed for the remainder of the items.

Roger Brown: Affirmed that 8 members were required to be present to take final action.

Item No. 5

A request from William Crist (Owner) of 1221 Keosauqua Way to vacate and convey the 12th Place right-of-way between Crocker Street and School Street. (11-2000-1.17)

Item #5 is continued from the November 4, 1999 Commission Meeting.

STAFF REPORT

This item was continued from the November 4, 1999 meeting at the request of representation for the applicant in order to work with staff to negotiate some type of solution for the applicant's needs.

The applicant is requesting to vacate and convey the 12th Place right-of-way between Crocker Street and School Street in the north edge of the downtown business district.

The surrounding properties involve the applicant's auto body repair operation along the West Side of the segment of 12th Place requested. Along the East towards Crocker Street is a parking lot for the City of Des Moines owned rental housing complex Royal View Manor. Toward the North where the segment intersects School Street, there is a small office building, a billboard, and a communications antenna. The remaining portion East of the segment of 12th Place is also part of the applicant's operation.

It appears that the applicant would like to have control of this segment in order to prevent traffic from circulating through his properties on either side of 12th Place, thereby causing inconvenience to his operation. Staff has observed that some traffic does appear to be using this segment as a "short cut" through the area with no destination purposes.

Staff has one major concern regarding this request that relates to the proposed I-235 improvements. The projected improvement at the Keo Way interchange involves a retaining wall to be located along the northern portion of the request segment of right-of-way. There is no final design at this time to be able to determine the amount of right-of-way that will be necessary from this area. Because of this fact, staff believes that selling the right-of-way to the applicant may result in additional cost to the freeway project acquisitions. At such time as the I-235 improvements are completed, the applicant could request to purchase any excess right-of-way.

STAFF RECOMMENDATION

Staff recommends approval of the requested vacation and conveyance. It is recommended that the conveyance be made in the form of a lease that would allow the applicant to close the alley but not allow any improvement to be constructed within the right-of-way. Furthermore, any lease arrangement should be structured to allow the City to terminate the agreement on any portion that becomes necessary for I-235 project right-of-way.

SUMMARY OF DISCUSSION

Erik Lundy: Staff recommendation has changed to vacate and lease the property; the lease arrangement should be structured to allow the City to terminate any portion of that lease at any time that the I-235 improvements come about and use of that property needs to be looked at.

Fran Koontz: Asked if the applicant agreed with that.

Erik Lundy: Thought they were and referred to them.

Eldon McAfee, 321 E. Walnut, on behalf of Owen Crist: They are in full agreement with staff recommendations; details need to be worked out.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak on this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Joe Schaefer: Moved staff.

All voted in favor (8-0)

COMMISSION ACTION:

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

THE VOTE:

8-0 in favor

Item No. 6

A request from Jerry Oliver (Professional Engineer) representing Airport Commerce Park West, L.C. (Owner) for consideration of a Preliminary Plat for Airport Commerce Park West Plat 3 in the vicinity of S.W. 61st Street and Thornton Avenue.

STAFF REPORT

The applicant is requesting to subdivide a third plat for the Airport Commerce Park West PUD. The subject area is the vicinity of the intersection of SW 63rd Street and Park Avenue.

There are currently two buildings, an office building and a switching facility, for McCleod USA under construction on the parcel to be platted. The third proposed platted lot, located at SW 63rd Street and Thornton Avenue is designated in the approved Concept Plan for Support Commercial uses.

The only staff comments are as follows:

1. A restriction on the driveway access for the proposed Lot 3 should be added to the Preliminary Plat to allow the driveway access on Thornton Avenue to be no closer than 220' on center to the East right-of-way line of SW 63rd Street.
2. Sidewalks need to be shown. In accordance with the approved Concept Plan, there should be a 4' sidewalk along the South right-of-way of Park Avenue and a 6' sidewalk along the North right-of-way of Thornton Avenue.

STAFF RECOMMENDATION

Staff recommends approval of the preliminary plat with the addition of the following to the Preliminary Plat:

1. A note on the preliminary plat providing a restriction on the driveway access for the proposed Lot 3 to allow the driveway access on Thornton Avenue to be no closer than 220' on center to the East right-of-way line of SW 63rd Street.
2. A 4' sidewalk needs to be shown on the preliminary plat along the South right-of-way of Park Avenue and a 6' sidewalk needs to be shown along the North right-of-way of Thornton Avenue.

SUMMARY OF DISCUSSION

Erik Lundy: PUD Concept Plan was administratively amended, at the request of the developer, to allow McLeod's office building and switching facility to locate there and provide support commercial on the two remaining lots.

Jim Johnson, Permit and Development Center: reviewed the preliminary plat; the plat before the Commission was the corrected plat, so there were no comments.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one in the audience to speak on this item.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Fran Koontz: Moved staff.

All voted in favor (8-0)

COMMISSION ACTION:

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

THE VOTE:

8-0 in favor

Item No. 7

Committee and Director's Reports:

- Marilyn Staples referred to Monday night's Council meeting regarding Council's agreement with the MPO proposal: Fleur Drive major construction from Army Post south to County Line Road, widening from the current three lanes up to five lanes, year 2002. Preservation: Fleur Drive from the railroad viaduct south to the relocated Army Post, pavement repairs, resurfacing, proposed funding years, 2002, 2003. She requested the Planning Department begin talking about upgrade of lighting and landscaping. All the enhancement funds are obligated for the next year or two, but would like to make sure that enhancements are put into the portion from the railroad to County Line and that it is done appropriately as part of the design and not just a concrete ribbon. Jim Grant indicated the enhancements were all ML King enhancements, but were looking at enhancement grants above and beyond the amount of money allowed for in that category, just in case there was not any funding granted in the third category, which is Historic. The grants this time were for ML King and none for anything else and next year when the funding applications come up once again, will be looking at enhancements in other places. If they don't get funded this time for ML King, they will probably go back in next year until ML King is finished. Marilyn Staples felt Plan & Zoning has to be involved in the design process and thought the responsibility should possibly go back to the MLK committee to continue with Fleur Drive. Jim Grant thought the process being established through the CIP and project review at the conceptual phase is important, but that it has to be tied into the design stage.
- Jim Dietz-Kilen asked about the Historic District Commission meeting. Marilyn Staples indicated she left the meeting early and all other members who were present at that meeting were no longer present to discuss the results. Jim Grant indicated Kerry McGrath of the State Historic Preservation District said if you're going to make landmarks landmarks, forget the significant structures and make them landmarks, but the Landmarks Ordinance was created much later than the Historic District Ordinance. At the time, it was thought landmark designations should go to the Historic District to begin the process. They are a small group that represents only two Districts in the city of Des Moines and landmarks represent the whole city of Des Moines. They should probably be reviewed by the Planning Commission, which represents the whole city; or should be restructured so when a landmark is looked at, there are more members "at large" at it, to deal with it. Marilyn Staples indicated she recommended it be a Preservation Commission and one of the sub-activities be the Historic District Commission. It was unknown if there would be a next step at this point. Jim Dietz-Kilen asked if another meeting had been scheduled as a result. Roger Brown indicated the process has been stalled for a year and is still stalled. The possible alternatives are discussing effectively diluting the power of the existing Historic District Commission, which is not a discussion the Historic District Commission is willing to pursue.

Fran Koontz left the meeting.

- A calendar will be sent out with the next 2020 Committee and the Southeast Committee meeting dates.
- Tom Clarke, Sr. indicated there was mention at the R&O meeting about changing the meeting night of the Plan & Zoning Commission. Jim Grant indicated there is discussion at

a CQI (Continued Quality Improvement) group that is looking at Council agendas and meetings. The group is made up of the City Clerk, City Manager, and City Legal, and some others. One of the things brought before the Council on Monday night was how many meetings there should be. There was a two-alternative recommendation:

1. Meet twice a month; 24 times
2. Meet three times a month; 31 times

They are discussing having P&Z follow the Monday night Council meetings on the first and third Mondays, so when there's a Council meeting on Monday, there would be a Commission meeting on Thursday. That allows all the Commission activities going into the agenda, to be finished on Wednesday of the following week; whatever activity takes place at P&Z that is given to Council, can go from Wednesday to the next Monday for the Council to work on. Currently, when P&Z acts on Thursday, by noon on Friday, that has to go to the Council and they get Saturday and Sunday and part of Monday to deal with the item and have to vote on it Monday night. They don't believe they are giving justice to the Plan & Zoning Commission activities. A calendar will be generated if this goes into effect.

Meeting adjourned at 9:30 p.m.

Date December 6, 1999

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held November 18, 1999, the members recommended by a vote of 9-3 for APPROVAL of a request by Walgreen's Company represented by Michael W. Simonson (Licensed Architectural Consultant) to rezone property located at 3030 University Avenue on the southeast corner of 31st Street and University Avenue and more specifically described as follows:

A part of Lots 19 through 31, the Vacated East/West alley lying South of and adjoining to Lots 20 through 25, and the 14.0 foot North/South alley right of way being a part of Lot 31, all within Kingman Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, being more particularly described as follows :

Beginning at the Southwest corner of said Lot 26; thence North 00° (Degrees), 01' (Minutes), 15" (Seconds), East along the West line of said Lot 26 a distance of 46.73 feet; thence 11° 26' 26" East a distance of 64.38 feet; thence North 00° 05' 36" East a distance of 152.21 feet; thence North 89° 33' 12" East a distance of 261.71 feet; thence North 89° 51' 01" East a distance of 55.63 feet to a point on the East line of said Lot 19; thence South 00° 10' 42" East a distance of 120.37 feet to the Southeast corner of said Lot 19; thence South 89° 52' 59" West along the South line of said Lot 19 a distance of 51.43 feet; thence South 03° 38' 28" West a distance of 14.03 feet to the Northwest corner of Lot 32, in said Kingman Place; thence South 00° 52' 06" West along the West line of said Lot 32 a distance of 130.59 feet; thence South 89° 54' 41" East a distance of 14.0 feet to the Southeast corner of said Lot 31; thence North 89° 52' 14" West along the South lines of said Lots 31 through 26 a distance of 263.47 feet to the point of beginning. Said tract of land contains 1.7719 acres more or less.

from an "R-3" Multiple Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification subject to the following limitations:

1. Any commercial building constructed on the property shall have all brick exterior, and that the brick and shingle materials that are used be of a color theme that is consistent with the more recently constructed brick buildings on the Drake University campus; and
2. As part of any commercial redevelopment of the property, pedestrian scale landscaping and seating areas shall be provided along 31st and University adjacent to pedestrian access points; and
3. As part of any commercial redevelopment of the property, a pedestrian access point shall be provided to the southeast along Brattleboro Avenue; and
4. No vehicular access be provided from the property directly to Brattleboro; and
5. Any parking to be located between any commercial building and University Avenue shall not exceed one row of parking and required maneuvering aisle; and
6. That the applicant saves as many existing mature trees as possible; and
7. That a berm and extra landscaping be installed along both 31st Street and University

December 6, 1999
Date

WHEREAS, the City Plan and Zoning Commission further recommended by a vote of 11-1 to find the proposed rezoning in conformance with the 2000 Land Use Plan based on the fact that it would ensure viability of an existing neighborhood commercial area by providing minimized intensification of the land use, and;

WHEREAS, the City Plan and Zoning Commission further recommended by a vote of 11-1 for APPROVAL of a request to vacate and convey the North/South alley right of way extending north from Brattleboro Avenue between 30th and 31st Streets by transfer of deed, subject to provision of a public access easement for ingress and egress through the parking lot to and from University Avenue and that there be no direct vehicular access onto Brattleboro Avenue from this site. The adjoining subject property owned by Drake University (Title Holder).

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:30 p.m. on December 20, 1999, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That notice of said proposal be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.
3. That the notice referred to shall be in the form hereto attached and that the City Clerk is hereby authorized and directed to publish the notice above referred to in paragraph 2.

MOVED BY _____ to adopt.

FORM APPROVED:

Roger K. Brown
Assistant City Attorney

(10-2000-3.05)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
DANIELS				
COLEMAN				
FLAGG				
HENSLEY				
McPHERSON				
BROOKS				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DONNA V. BOETEL-BAKER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

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

City Clerk

Mayor

December 6, 1999

Honorable Mayor and City Council
City of Des Moines, Iowa

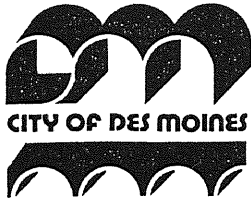
Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 18, 1999, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members recommended by a vote of 11-1 to find the proposed rezoning in conformance with the 2000 Land Use Plan.

By a separate vote of 9-3 the members recommended as follows:



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 EAST FIRST STREET
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY 1949, 1976, 1981

Commission Action:	Yes	Nays	Pass	Absent
Thomas Clarke	X			
Frank Cownie	X			
James Dietz-Kilen		X		
Dan Flaherty	X			
Bruce Heilman	X			
Brian Janousek				X
Frances Koontz		X		
David Little	X			
Robert Mahaffey	X			
Robert Mathieu				X
Becky Morelock	X			
Scott Saylor				X
Joe Schaefer	X			
Marilyn Staples	X			
Brooke Wennerstrum		X		

For APPROVAL of the 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 31st Street and University Avenue from an "R-3" Multiple Family Residential District to a Limited "C-1" Neighborhood Retail Commercial District. Subject property owned by Drake University. (10-2000-3.05) The recommended limitations being those identified in the staff report below; and that a berm and extra landscaping be added to the setbacks along University Avenue and 31st Street frontages.

Whereas, by a separate vote of 11-1, the members recommended as follows:

Commission Action:	Yes	Nays	Pass	Absent
Thomas Clarke	X			
Frank Cownie	X			
James Dietz-Kilen	X			
Dan Flaherty	X			
Bruce Heilman	X			
Brian Janousek				X
Frances Koontz	X			
David Little	X			

Robert Mahaffey	X	
Robert Mathieu		X
Becky Morelock	X	
Scott Saylor		X
Joe Schaefer	X	
Marilyn Staples	X	
Brook Wennerstrum		X

For APPROVAL of 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)

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning to "C-1" subject to the applicant agreeing to the following:

1. Any commercial building constructed on the property shall have all brick exterior, and that the brick and shingle materials that are used be of a color theme that is consistent with the more recently constructed brick buildings on the Drake University campus; and
2. As part of any commercial redevelopment of the property, pedestrian scale landscaping and seating areas shall be provided along 31st and University adjacent to pedestrian access points; and
3. As part of any commercial redevelopment of the property, a pedestrian access point shall be provided to the southeast along Brattleboro Avenue; and
4. No vehicular access be provided from the property directly to Brattleboro; and
5. Any parking to be located between any commercial building and University Avenue shall not exceed one row of parking and required maneuvering aisle; and
6. That the applicant saves as many existing mature trees as possible.

Staff recommends approval of the request to vacate and convey the North/South alley by transfer of deed, subject to provision of a public access easement for ingress and egress through the parking lot to and from University Avenue. There shall be no direct vehicular access onto Brattleboro Avenue from this site.

Staff recommends that the Commission find the proposed rezoning in conformance with the 2000 Land Use Plan based on the fact that it would ensure viability of an existing neighborhood commercial area by providing minimized intensification of the land use.

STAFF REPORT

This item was continued from the October 7, 1999, October 21, 1999, and November 4, 1999 meetings. The following staff report and recommendation are from the October 7, 1999 meeting. There is a joint meeting between representatives of the applicant and the neighborhood association scheduled to discuss issues regarding the Walgreen's plans for this location. Staff may revise the staff recommendation at the Plan and Zoning Commission based on any outcomes from the joint meeting.

The applicant is requesting to rezone the southeast corner of 31st Street and University to "C-1" Neighborhood Commercial District to allow for the development of a new Walgreen's Discount Store and Pharmacy. The subject property is located at the intersection of a major arterial (University) and a major collector (31st) across from the southwest edge of the Drake University campus.

The surrounding neighborhood consists of large-scale residential structures that are a mix of single-family and multi-family in use. There are neighborhood commercial offices to the west along University as well as a convenience store use. To the northwest there is also a mixed residential character that supports Drake campus.

The proposed site plan indicates that an approximately 15,120 square foot retail store centered on the 1.8-acre property. Traffic circulation is provided around the entire building with access drives from University and 31st Street. Drive-up pharmacy service is proposed on the south side of the building. There are 76 proposed parking stalls located on all sides of the store. This meets the exact required parking based on the building area.

The proposed building elevation indicates a brick veneer façade with gabled roof detailing on a flat roof with parapet. Shingles on the gables would be an architectural type asphalt shingle. Staff believes that the coloring of the brick and shingle materials be consistent with the more recently constructed brick buildings on the Drake University campus. This would give a sense of an era in which the building was constructed without replicating the look of the older constructed buildings. The building layout is similar to the store being built at E.14th and E. University. The primary entrance is oriented to the intersection.

The applicant has shown buffering from the residential properties on the East and South by providing a 6' Cedar Fence and over-story tree plantings. On University and 31st the landscaped areas in front of the parking contain a wrought iron fence and monument signage along with over-story trees. There are sidewalks indicated on 31st and University. Access to these is identified by special brick paving or inlay on pedestrian ways leading to and from the store through the parking lot areas. These pedestrian ways are restricted to the access points by openings in the wrought iron fencing. The special paving is also indicated at the corner of the right-of-way at the intersection.

Concerns with this rezoning from staff center on the relationship of the store development to the pedestrian. With the university campus across the street, the volume of walk-in traffic will likely be higher than Walgreen's typical location. Therefore, staff believes that more pedestrian scale landscaping in addition to that shown in the site plan should be provided along University and 31st Street, with features such as enhanced pedestrian seating areas placed along 31st and University near pedestrian access locations to the store. In response to neighborhood group concerns that the building be closer to the street, staff would recommend relocating one-side of parking on the aisle along University to allow the storefront to be shifted closer to that street.

From a safety perspective, Traffic and Transportation staff believes the drive-approaches are ideally located away from the intersection as far as possible. Pedestrian routes are clearly defines in the parking and vehicle maneuvering areas. It would make some sense to provide an additional pedestrian access through the fence to the southeast of the store along Brattleboro Avenue.

The applicant is requesting to vacate the 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.

The applicant is requesting this to accommodate a circulation pattern that directs alley traffic from the East toward University rather than onto Brattleboro. The applicant has indicated an ingress/egress easement from the East/West alley to the proposed North driveway on University.

Staff is not concerned with this request as long as some type of access easement is provided allowing circulation from the East/West alley to move through the site. Staff recommends that

the vacated portion be sold as it is a necessary part of the site and would not be feasible to maintain a lease arrangement, based on the expected value.

The subject property of the rezoning request is located at the southeast corner of the intersection of 31st Street and University Avenue. The 2000 Land Use Plan currently identifies this as High Density Residential. However, there are currently C-1 and C-O zonings on properties at this intersection.

The existing business located on two corners of this intersection give it the character of a small commercial area. There is an objective in the 2000 Land Use Plan that seeks to "maintain viable existing neighborhood commercial areas not consolidated as nodes or commercial corridors and provides for minimized intensification after due consideration of traffic, parking, infrastructure, adjacent uses, and the overall impact on the surrounding area."

The allowance of a commercial zoning for this property would only provide a minimal intensification over that of the currently designated future land use High Density Residential which would generate similar traffic, parking and infrastructure demands and have the same type of impacts on adjacent uses and the surrounding area.

This rezoning could be considered a minimized intensification of this existing land use designation and therefore be consistent with the provision in the 2000 Land Use Plan that provides for expansion of existing commercial areas.

It should be noted that this proposed rezoning does not remove any residential uses as it is replacing a parking lot used by Drake University. Prior to that it was the site of an elementary school. This means that there will be no encroachment into the residential area.

SUMMARY OF DISCUSSION

Frank Cownie: Referred to the slides shown and asked Eric if Drake owned the house on the alley to the East.

Erik Lundy: Affirmed.

Response Cards Received

1 in opposition

2 did not indicate preference

2 in favor

CHAIRPERSON OPENED THE PUBLIC HEARING

Mike Simonson, Simonson & Associates Architects, 3300 Elmwood, Des Moines represented Walgreen's. Addressed a few thoughts and concerns with the neighborhood group following the Plan and Zoning meeting. Neighborhood group is not opposed to retail on this corner. The corner to the West is zoned commercial and there is a commercial property to the South. Neighborhood group was concerned with the siding of the building and the exterior appearance. Walgreen's is willing to work on the exterior elevations by adding some fenestration and doing those types of details; thought the neighborhood had a comfort level with that. Remaining issue is the siting of the building; neighborhood has agreed to allow the building to be setback from the sidewalk, but wants to see it in green and not parking. Walgreen's went back and prepared a plan, which he presented. They cannot push the building tight to the corner and have a viable Walgreen's store. Sought to find a way to make further additional improvements in the parking lot and make the parking less obtrusive since the distance from the building to the sidewalk is no longer the issue. Proposed lowering the footprint of the building by having a berm along 31st & along University, 2- 2 1/2' high with landscaping on top of it to conceal much of the cars. Compromised and eliminated a double row of parking along University. One idea was to relocate the parking facing University and face it against the building so any headlights would be

facing the building and not the parking lot. Walgreen's agreed with that, and made that modification. Also reduced the parking to 68 stalls from 76. The neighborhood group was fairly clear in indicating they weren't opposed to the retail and weren't opposed to more retail along University. Primary concern is a fear there would be a series of individual buildings surrounded by parking on four sides going up and down University. That is not the contention or objective of Drake; this property has not been for sale. To research what else might be done there, he brought Brian Clark, a planner, on board. He indicated Brian Clark would share the ideas that were shared with the neighborhood group.

Fran Koontz: Asked Mr. Simonson if he and Brian Clark had seen the plans for the commercial area in Summerset Village in Ames.

Mike Simonson: Indicated he has seen some of those plans, but it's been some time ago.

Fran Koontz: Stated the commercial buildings are oriented on the street and urged him to meet with staff and look at doing something similar to that to make it pedestrian friendly.

Mike Simonson: Introduced Brian Clark.

Brian Clark: Brian Clark & Associates, 500 E. Locust, Des Moines, responding to the questions of "what if"; how it would feel from an urban context standpoint. Drake has indicated an entrance feature across from the proposed Walgreen's site, as well as a future parking lot. That corner is targeted as a main identity feature for Drake University. By sliding Walgreen's closer to University and having the University entrance feature on the North side of University, there is no chance for the urban "feel" because of the entry feature plans across the street. They feel the Walgreen's site is within the context of the block and offers an opportunity for the neighborhood and Drake University. The keys to new urbanism in putting buildings against the street are creating an enhanced pedestrian environment so people can walk and do their shopping and design needs, to be in the context of the environment. His opinion was of a pulled back building mass allowing appropriate setbacks based on other intersection, and allowing Drake to do a wonderful entry feature across from that store. Presented three drawings:

1. context drawing: showed the site in relation to I-235 and the intersection of University and 31st Street. The intersection of University and 31st Street will become more heavily trafficked when the Cottage Grove intersection is closed down, giving 31st Street the opportunity for neighborhood identity establishment and an opportunity for Kingman Blvd. to be a design element for the neighborhood.;
2. future parking lot to the east side of the Walgreen's site: to see what parking might look like;
3. how retail development might look in conjunction with the Walgreen's development: prefaced by saying Drake has no intentions, at this time, of doing any retail development projects along University or the corridor.

Mike Simonson: Dialog with the neighborhood has been good. Drake has no intentions of paving any additional parking in that area; intend to leave the houses as they are. Brian conveyed two possibilities:

1. What if it were to be parking, which is an issue with Drake; and
2. An openness with the neighborhood to talk about what if there were to be retail. If this were to become a very desirable area for retailers, it could continue. Brian demonstrated how that type of retail pushed up against the sidewalk, could fit very nicely along University and begin to stairstep back at that corner, which will be the most major vehicular corner, and how it fits into the context that is there.

William Lillis, 300 Bank of America Building, met with the neighborhood group on several occasions; return to the same issue, which is the "what if there would be a development further to the east". The only solution was with the plan shown by Brian Clark. He asked the Commission to consider recommending the property to the East be rezoned to NPC, to ensure the use of the land to the East. NPC would allow for Drake to do what they intend to do with parking, and would allow that the development happen in a manner consistent with what they understood the neighbors and the

association to desire if and when that would happen to the East. They also think it is consistent with the planning objectives of the professional people. He deferred to John Rosen, President of Drake Student Body.

John Rosen, 2900 Forest Ave., President of Drake Student Body represented Drake students. Student interest is great; the majority of students want Walgreen's very badly and he referred to a letter he wrote to the Commission for the last meeting (November 4, 1999), which outlined a few reasons why. Students have been meeting, particularly in Student Senate, and have had a few discussions regarding Walgreen's. The Neighborhood Improvement Task Force has also been working with Senate. Students recognize the concerns of the neighborhood and the concerns of the business and University as a whole. One major concern is the future of the area; understand they must recognize what will happen in the future. Over all, it is important to the students that Walgreen's come in; and is something that is needed on that corner.

David Maxwell, President of Drake University, 2507 University Ave. spoke on behalf of Drake University. They see this project as critical in many ways to the future of this area. He shared two thoughts:

1. why this project is so important and
2. personal thoughts regarding concerns around the project.

Drake University needs the City's support in the economic and social development of the area around them as much as they need the City's attention to the Gateway projects and others. This is an opportunity to improve the quality of retail in the area and to provide the kind of resource in the neighborhood that is wanted. Drake would like to get this project underway with the kinds of collaborative assurance that things in the future will go the way everyone wants them to.

1. Disagreements with the neighborhood association regard the nature of the project. The nature of the relationship of Drake with the Drake Neighborhood Association has been good. They have been supportive and collaborative and he was impressed by their passion for the quality of life in the neighborhood. They are a resource and a partner that Drake values tremendously. This has been a congenial disagreement;
2. A great deal of the neighborhood association's emphasis on the siting of the project and the concerns about parking has been based on the application of a publication from the National Trust for Historic Preservation on the new urbanism. He maintained it is misapplied in this instance. The corridor along University is not the mixed office/retail/residential neighborhood the booklet talks about. It talks about the renovation of existing properties, not the construction of new ones. Would like to see some concern about the consistency with Drake's architecture and the historical imperative that the neighborhood's oldest institution brings.
3. There's a concern about parking: neighborhood association is concerned about the attractiveness of looking at a group of cars in front of the building and the extent to which that impedes pedestrian access. He hoped they aren't looking at Drake University as being distinct from the neighborhood.
4. More importantly is the neighborhood association's legitimate concern that this is the tip of the iceberg; they are afraid of strip malls. They want the area around the University to be a vital residential and retail area that is a resource for the people that live and work there and one that is attractive and that has some consistency.
5. To ensure the neighborhood association and the Commission of their sincerity, the executive committee of the Drake Neighborhood Association, the Senior Administration of Drake, and the Drake University Board of Governors buildings and grounds committee will meet to discuss the collective concerns and aspirations for the neighborhood. They will develop guidelines to inform future decisions and projects. Drake has no plans to do further commercial development down University at this point. To ensure that it would be consistent if that ever happened, they would like to come to the Commission with the request to convert that strip along University to NPC zoning. The guarantees of any further commercial development, would be up against the sidewalk in way that everyone would like to see;

6. The key issue for Drake is that they see it as a distinct, separate project. As an Institution, they are comfortable with the way it is sited and think it is important that it be back from the street. That corner will be the main entrance to Drake University and they think it is important that people driving up to University not have to peer around a building to find it.
7. They feel Walgreen's has been accommodating to the concerns of the neighborhood, and Drake has done their best to accommodate the neighborhood.

Marilyn Staples: Referred to Dr. Maxwell's comments about retail opportunities around the campus and extending to the East sometime in the future. She reminded him that the area around University between 24th & 25th used to be a vital strip of land; lots of activity; students have moved away. Was hopeful that in talking to the Drake Neighborhood Association and the buildings and grounds people, they would also look at that piece of property, also, since it is the Eastern boundary. It is equally important that be kept alive. She urged him not to just concentrate on 30th and 31st and University, but to also look at the surrounding streets. She was hopeful Drake would look at the whole picture.

David Maxwell: Indicated appreciation for the advice and indicated they would keep it in mind. Stated the Walgreen's project for Drake is a window of opportunity. They are not beginning an initiative to commercialize University between 31st and 25th. Walgreen's approached them because of their interest in doing this property. Drake is not focusing on University. Regarding the 24th and 25th street section, he pointed out that Drake has been instrumental in maintaining a number of those properties; put a number of offices in to sustain that block and are the primary tenant. Regarding the other parts of the neighborhood and the two blocks immediately opposite his office, between 26th and 28th and University and Cottage Grove, he indicated they only own 17 of the 57 houses. Forty of them are owned by absentee landlords, which he maintains is one of the primary causes behind the deterioration of the neighborhood.

Marilyn Staples: Hoped they would work with the neighborhood association and the City's Community Development Code Enforcement to ensure the absentee landlords live up to the code the City has written.

David Maxwell: Indicated that is already happening; Eldon McAfee and the Drake Neighborhood Association have been wonderful in monitoring that neighborhood and huge strides have been made. Drake is working closely with them and with the City.

Brook Wennerstrum: Asked if the shift from the East side of the campus to the West side of the campus means they are abandoning the East side of the campus.

David Maxwell: Responded this is not a shift, but a window of opportunity. They were not looking at putting commercial development into the West corner of the campus; Walgreen's approached them after doing their own studies about commercial/retail needs in the area and initiated a discussion about the availability of the property. They have no plans to develop any particular part of the area. Their plans are to meet with the neighborhood association and develop a collective and collaborative approach to what all the area concerns are. They are not shifting from one place to another. This is taking advantage of an opportunity that they see as a great opportunity for the neighborhood.

Fran Koontz: NPC zoning that the Plan and Zoning Commission created a couple years ago, and the neo-traditional new urbanist concepts are compatible. They aren't compatible outside of that. If NPC zoning is being sought, there would have to be understanding that it would have to meet some of the new urbanism of the neo-traditional design. The other issue was regarding the many houses that are now parking lots, due to Drake allowing their running down. The issue is surface parking, not an efficient land use. In Drake's increasing need for parking, that is an ongoing quest for Drake. Drake needs to be a good neighbor and understand that expanding surface parking is not in the best interest of everyone. She suggested a parking structure instead of increasing single surface parking.

David Maxwell: Agreed they need to.

Joe Schaefer: Thought Item #3 could be a lynchpin for Drake. He thought Drake does have an interest, although the perception is that Drake has abandoned the neighborhood.

Dann Flaherty: Asked Dr. Maxwell if he was in favor of rezoning the property to the south and east to NPC.

David Maxwell: To the east; didn't think Drake owned much to the south.

Dann Flaherty: Indicated he meant the south side of the street and down University.

David Maxwell: Affirmed.

Jim Dietz-Kilen: Asked how far down University Dr. Maxwell was contemplating.

David Maxwell: Responded that he thought it would be appropriate to go as far as the First Christian Church, which Drake does not own, but own up to it.

Herbert E. Rankin: Property owner in the Drake Neighborhood area and member of Drake Neighborhood Association, spoke in favor. Responded to the comment regarding the south side of University, indicating he called the City numerous times to get curb and gutter on 27th and has been told they don't have the money. He thinks it's wonderful that Walgreen's wants to come in the area and put up building and give the City of Des Moines tax payments. He urged the Commission not to condemn Drake.

Eldon McAfee, 3000 School Street, President of the Drake Neighborhood Association spoke in support, with conditions. Distributed a resolution from the association and gave an account of their activities since the last meeting:

1. met with President Maxwell and others from Drake University and talked about the issues;
2. held the regular Board meeting and talked a lot about this project; the following conclusions resulted:
 - decided not to change their position;
 - a lot of discussion about what Walgreen's means to the association;
 - support of the Walgreen's, but not the current site plan;
 - other issues, Walgreen's has expressed a willingness to address;
 - parking between the building and the streets remains the number one issue;
 - compromised and agreed to a setback;
 - understand and appreciate the position of Drake University, but an agreement on the parking issue was not met;
 - Board respects the students' position and believes the students respect the neighborhood association's position, but the siting issue is very important to the neighborhood;
 - Concerned if parking is allowed between 31st & University and the building it will not be in character with the current neighborhood.

Marilyn Staples: Concerned about appearance, but feels there should not be vehicular traffic all the way around the building, for safety reasons. Suggested a compromise of no parking between the building and University and allow one lane between 31st and the building. Indicated no one has spoken to changes in the façade, stating the friendly appearance of the building was previously discussed considerably; no new concept design for the building was currently being shown.

Frank Cownie: Suggested no recommendations be made yet.

Marilyn Staples: Responded she was just asking.

Eldon McAfee: Referred to the publication that had been previously distributed, pointing out it does refer to compatible new construction for chain drugstores. He stated the publication refers to "the following components helped preserve the existing commercial streetscape in most communities: no parking lot in front of the building". It also addressed "large windows at the street level and building materials that reflect local usage". He reiterated it comes back to no parking in the front of the building.

Dann Flaherty: Asked what kind of vote they received regarding their proposals and resolutions.

Eldon McAfee: Responded the resolution was adopted on September 30, 1999.

Dann Flaherty: Indicated he was referring to the last time those items were voted on.

Eldon McAfee: At the last meeting, a motion was introduced that would have changed the resolution, and after discussion that motion was withdrawn. There was no further motion brought to change the resolution, so nothing was brought to a vote. There was not enough support to change it to even bring a motion to the floor.

Dann Flaherty: Asked what the vote was like when they adopted the resolutions.

Eldon McAfee: Recalled it to be unanimous on the motion that was in front of the Commission. They have a 15 member board and 10-14 members have been present at the meetings regarding Walgreen's. Several meetings have been held and notices were sent out to all 350 members; 10-20 or 30 attended, including Drake students. Summarized that they know Walgreen's can do this; according to the information they have obtained, shows it can be done; it's a matter of economics and marketing, but felt as a matter of neighborhood and site planning and architectural design, it can be done. Requesting Walgreen's and Drake University's help in maintaining and improving the character of the neighborhood by giving them a store that would be a model. Reiterated support for the Walgreen's development; aren't saying it doesn't have its good points; happy with the design in many places, the parking issue is a major one to neighborhood association.

Joe Schaefer: Asked what the aesthetic difference was between the parking lot that is there now at 31st and University, and the parking that would be in front of the Walgreen's.

Eldon McAfee: He felt there to be a big difference between an empty lot with a parking lot on it and a store with parking surrounding it. Believed a parking lot serves the University as a need.

Joe Schaefer: Asked if the proposed design was right at street level.

Eldon McAfee: Asked Mr. Simonson.

Mike Simonson: Indicated it to be a little higher. The existing parking lot is about 4' above street level and they are proposing to drop it 3' to allow for the berm to camouflage the parking.

Stacey Rice: Sophomore student at Drake University, spoke in support of the decision; Drake University's for the following reasons:

1. Dick Pharmacy does not cover her out of state insurance; currently has to go off-campus;
2. Opportunity for students to have something available that they can go to every day for things they need that is within walking distance;
3. Parking is an issue, because students not from the area need cars and need parking;
4. Pleased that Walgreen's has put up trees to keep the parking back;
5. Agrees regarding the strip mall, indicating she doesn't want to see that happen;

Marilyn Staples: Asked if she understood the question is not Walgreens, but the siting of the store and a strong opinion that the architecture must fit the community and that the parking is not desirable in

some places. She indicated it is not a question of whether Walgreen's' is there, but rather how it is presented.

Stacey Rice: Affirmed understanding and agreed with the fact, but felt it also important to revitalize the neighborhood and thought Walgreen's proposal would allow a way to revitalize the neighborhood. She also agreed with the historic aspect and thought with the trees put up in the way it is proposed, will be better than it was before. With the parking issue, with them facing the store will be better than to have them up against the street; agrees with that.

Craig Drummond: 1235 34th St., Student Body Vice President, Drake University, supports Walgreen's and the current zoning because when you drive into Drake up 31st, you can see Drake University; if the building is put on the street you can't see Drake University.

Jim Dietz-Kilen: Wanted to ensure Mr. Drummond understood that the issue of having the building on the street was something a compromise had been reached on. The issue is whether there is parking between the building and the street.

Craig Drummond: Indicated there's no difference between a well-manicured building and the status quo parking lot.

Jim Dietz-Kilen: Clarified that the discussion was about a proposed change and that the question is whether they agree that the proposed change is a good plan for this part of the city. The issue of whether it's a parking lot or the proposed Walgreen's as it is set out, is no longer the issue. The issue is now if the plan a good plan.

Craig Drummond: Thinks the plan is a good plan.

Fran Koontz: Indicated that as a student of Drake University, he probably won't stay after graduation. The people who live in Des Moines have to live with the plan for the rest of their lives. Urgently trying to revitalize the 150 year old city so the issue has to be larger than any one parochial interest.

Frank Cownie: Suggested not advising the speakers.

Fran Koontz: Stated that this Walgreen's could be used if the parking were on the side, not on the front.

Larry James, Jr., 2909 Cottage Grove: Spoke regarding the new urbanism concept that was discussed and indicated he is interested and has been studying it and as a member of the Congress of New Urbanism, indicated the point that the urbanists pattern there buildings after the existing architecture is true to a point. He didn't think new urbanists would say building a building away from the corner is a good thing to do. Not talking about a new Drake building, but are talking about a new commercial building; the difference has to be made. Thode's is the last of three buildings that has to be considered and it does reflect the character of the neighborhood, despite the fact that those have been torn down. Asking to keep the character, not anti-development; there has to be some way to compromise and was hopeful the commission would find in favor of the Walgreen's with the conditions the neighborhood has set.

Bill Cappucio, 1084 24th Street: Addressed Mr. Schaefer's comment regarding the parking lot and stated this is not a choice to them between a Walgreen's and a parking lot. Parking lots are not permanent. This building will be there for a long time; going to have to live with it. That's why it's such an important issue to the neighborhood.

Marilyn Staples: Asked if the concept of the building could be seen.

Bill Lillis: Indicated they agree with the staff recommendation to have the brick in keeping with Drake, but that there could be some breaking up of the building to alleviate those concerns and there could be some windows. The issue is still the parking, but thought they were in agreement with the aesthetics.

Frank Cownie: Asked Mr. Lillis if he had seen the Drake Neighborhood Association's resolutions.

Bill Lillis: Indicated he had.

Frank Cownie: Asked if he was in agreement with "B" and "C" under Resolution "A".

Bill Lillis: Did not remember what "B" and "C" were. He then read the Resolution and indicated the Architects would be working with staff regarding the aesthetics.

Frank Cownie: Asked about Resolution "B".

Bill Lillis: Was unsure what it meant and indicated Drake is selling the property to an investor who has a 60 or 50 year lease with Walgreen's. It will be a Walgreen's and the development of that property will be a Walgreen's. He indicated Walgreen's does not own a lot of its own real estate and couldn't say they agreed with Resolution "B".

David Maxwell: Commented on the testimony of the students and asked that the Commission not underestimate the importance of their testimony and not look at Drake students as trends. One in six of the out of state students remain in Des Moines to work after graduation. The assumption that students come in for four years and leave and don't care about the future of the neighborhood is likely inaccurate. Responded to comments regarding the consistency of existing architecture. Referred to the sentence read by Mr. McAfee from the National Trust for Historic Preservation book on the new urbanism and the statement regarding construction preserving the existing streetscape. Referred to "a site plan that fits the other designs in the neighborhood" and indicated Drake is the "other" biggest design in the neighborhood. Referring to "the architecture should fit the community" and indicated there are a lot of different things in the community. Are not opposed to the new urbanism; have committed themselves to asking for zoning that will guarantee that kind of construction down University if it ever happens. Walgreen's is a retail operation that has done their homework and they know what the projected density of demand is. They have a formula that says in order to sustain a retail operation in this kind of demographic neighborhood, they need a certain number of parking spaces. If they can't have a certain number of parking spaces, they will walk away from this. They need to be confident that this site will survive. Drake would like a little compromise and a little room to move in a direction they think is important for the neighborhood and would appreciate some consideration.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Frank Cownie: Read a letter received from Thode's Sporting Goods, which stated "an increase in the number of quality businesses in the area can only have a positive effect." Mr. Thode urged the Commission to support the Walgreen's construction.

Becky Morelock: Asked Walgreen's if they will still build their store if the Commission recommends for the Drake Neighborhood Association.

Bill Lillis: Indicated they have asked that question of Walgreen's and the answer is they will not build a store without the parking in the front.

Dann Flaherty: Moved staff with the following addition: at Drake's request, ask that staff initiate a rezoning of the property on the east side of the street on the south side of University to NPC.

Frank Cownie: Asked how far.

Dann Flaherty: All the way to the First Christian Church.

Joe Schaefer: Asked Mr. Simonson how much handicapped parking space is required in a lot this size.

Mike Simonson: Addressed the question, indicating by ordinance they are required to have four.

Joe Schaefer: Asked if it was correct that they needed to have a proximity to the entrance.

Mike Simonson: Affirmed.

Fran Koontz: Indicated Walgreen's will have a drive thru for the ill and people that don't want to walk into the store. She suggested eliminating the parking along University, but leave it along 31st for the handicap parking. She sympathized with the neighborhood and with Drake, but indicated a line had to be drawn for developers. NPC has guidelines on how to orient buildings to the sidewalk and why that is done and why the return to new urbanism and neo-traditional design. She offered a friendly amendment to the motion that parking along University be eliminated and allow the parking along 31st.

Dann Flaherty: Asked for Mr. Lillis to give some flavor as to whether such an amendment would spoil the project.

Bill Lillis: Indicated that question had been asked and all indications are that if Walgreen's does not have the required number of parking spaces, on both 31st and on University, Walgreen's would not build the store at that location.

Dann Flaherty: Asked how many parking spaces it would take to make it work, from zoning.

Erik Lundy: The 66 spaces are as low as they could go to include an administrative type approval to lower the amount. There were 68 on the site currently.

Jim Grant: Indicated the zoning requirement is higher than the 68. The 66 would be the number allowed if the Community Development Director was able to grant the 15% variance in the parking without going to the Board of Adjustment. There are 68 shown, but the requirement is 76.

Dann Flaherty: Indicated he heard the friendly amendment and would normally like to go along with it, but it couldn't be made to work with the reduced number of parking spaces.

Tom Clarke, Sr.: Agreed and supported the motion to support staff and felt that in this instance, Drake, the developer and Walgreen's have gone the extra mile in meeting with the neighborhood association. The project has changed remarkably since it was first presented and the setback from University and 31st street is probably the best thing for the neighborhood to have an entrance to Drake University. In supporting the motion on the floor, he moved for a division of the question into 1A, 1B, and 1C so they could vote separately on each of them.

Marilyn Staples: Asked how many employees would be on the property at any one time and what the hours would be and where the employees would be parking. Referring to the 68 parking spaces, she indicated rarely seeing a Walgreen's with that many cars in their parking lot.

Mike Simonson: The maximum number of employees at any one time would be 20 because they overlap during shift change. There are 18 parking stalls along the south where the employees would park.

Fran Koontz: Asked if that would be adequate even with a little overlap.

Mike Simonson: Affirmed.

Frank Cownie: Asked about the hours.

Mike Simonson: Responded they would be from 8:00 a.m. until 10:00 p.m.

Dave Little: Called the question.

Jim Dietz-Kilen: The Walgreen's proposed project is important to the University, the students and the neighborhood and the city. Approved the suggestion of the NPC designation running along the south side of University and couldn't agree more strongly that the planning for the whole area needs to occur and the sooner that can occur, the better. He was comfortable with the assurance that Drake does not have plans for additional developments along that area, although unsure there can be total comfort that other things won't happen in the future that could change that. If the Commission goes along with this proposal, he sees them tipping the balance in the direction of having buildings surrounded with asphalt and parking and was uncomfortable with that, stating that would not be consistent with the vision of the people in the area. He reluctantly could not support the resolution; the motion.

Marilyn Staples: Asked what impact it would have on the existing parking that Drake possesses if this is zoned to NPC from the east of the building to 25th street on the south side of University. Her understanding was that there could be no parking with an NPC.

Jim Grant: Indicated they can have a parking lot in the NPC, but it has to follow the guidelines that are established for parking lots and the site plan would have to go before the Plan and Zoning Commission. They are currently operating under the R-3 zoning standards, which is a permitted use with regard to the University, but every time a change is made in their parking lot, they now go to the Board of Adjustment. This would require, if a new parking lot were constructed in that area, a site plan would be prepared and they would return to the Plan & Zoning Commission.

Bruce Heilman: Thanked Mr. Rankin for mentioning that Drake will be returning this to the tax rolls. He offered two suggestions to the motion regarding the NPC:

1. have staff begin to study a change to NPC; couldn't visualize NPC all the way along there;
2. on page three of Staff Recs, item three should say "Brattleboro Avenue to the southwest" instead of "to the southeast";

Wholeheartedly supported this and commended the Drake Neighborhood Association for their tenacity in demanding quality design standards, but believed Walgreen's.

Dann Flaherty: Accepted that as a friendly amendment.

Joe Schaefer: Supported the project and the motion.

Bob Mahaffey: Can support motion as it now stands, having staff look at the NPC. He thought Walgreen's, by reducing the height of the parking and building the berm and landscaping on top of that, the cars won't be seen as they are now. He felt the neighborhood has worked diligently with this, but there has been cooperation from Walgreen's and Drake and would now support the motion.

Marilyn Staples: Asked where it says in staff that there will be a berm and the extra landscaping. It's not in writing and her previous experience has shown that a verbal promise is not adequate. She would like to see it in writing.

Dann Flaherty: Asked if that was a friendly amendment.

Marilyn Staples: Affirmed.

Dann Flaherty: Accepted that.

Voted on item "1A" to find the rezoning request in conformance with the Des Moines 2000 Land Use Plan. All voted in favor with the exception of Brook Wennerstrum, who was opposed (11-1).

Voted on item "1B" to rezone the property from an "R-3" Multiple Family Residential District to a "C-1" Neighborhood Retail Commercial District, with the friendly amendments. All voted in favor with the exception of Brook Wennerstrum, Jim Dietz-Kilen, and Fran Koontz who were opposed (9-3).

Voted on item "1C" to vacate and convey the North/South alley right of way. All voted in favor with the exception of Brook Wennerstrum who was opposed (11-1).

Respectfully submitted,



Erik Lundy
Project Manager

EML:dfa

Attachment

Date _____

Council Fact Sheet

Agenda Item _____

Roll Call No. _____

Name/Title (as shown on agenda): (3 lines)

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 31st Street and University Avenue. Subject property owned by Drake University.

Description of Action: (6 lines)

APPROVAL of a recommendation 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 31st Street and University Avenue from an "R-3" Multiple Family Residential District to a "C-1" Neighborhood Retail Commercial District. (10-2000-3.05).

Total \$:

Amount:	
Funding Source:	
Amount:	
Funding Source:	
Amount:	
Funding Source:	

Physical Location: 3030 University Avenue

Map: YES NO

Previous Related Council Action(s):

Date:	
Roll Call #:	
Action:	
Date:	
Roll Call #:	
Action:	
Date:	
Roll Call #:	
Action:	

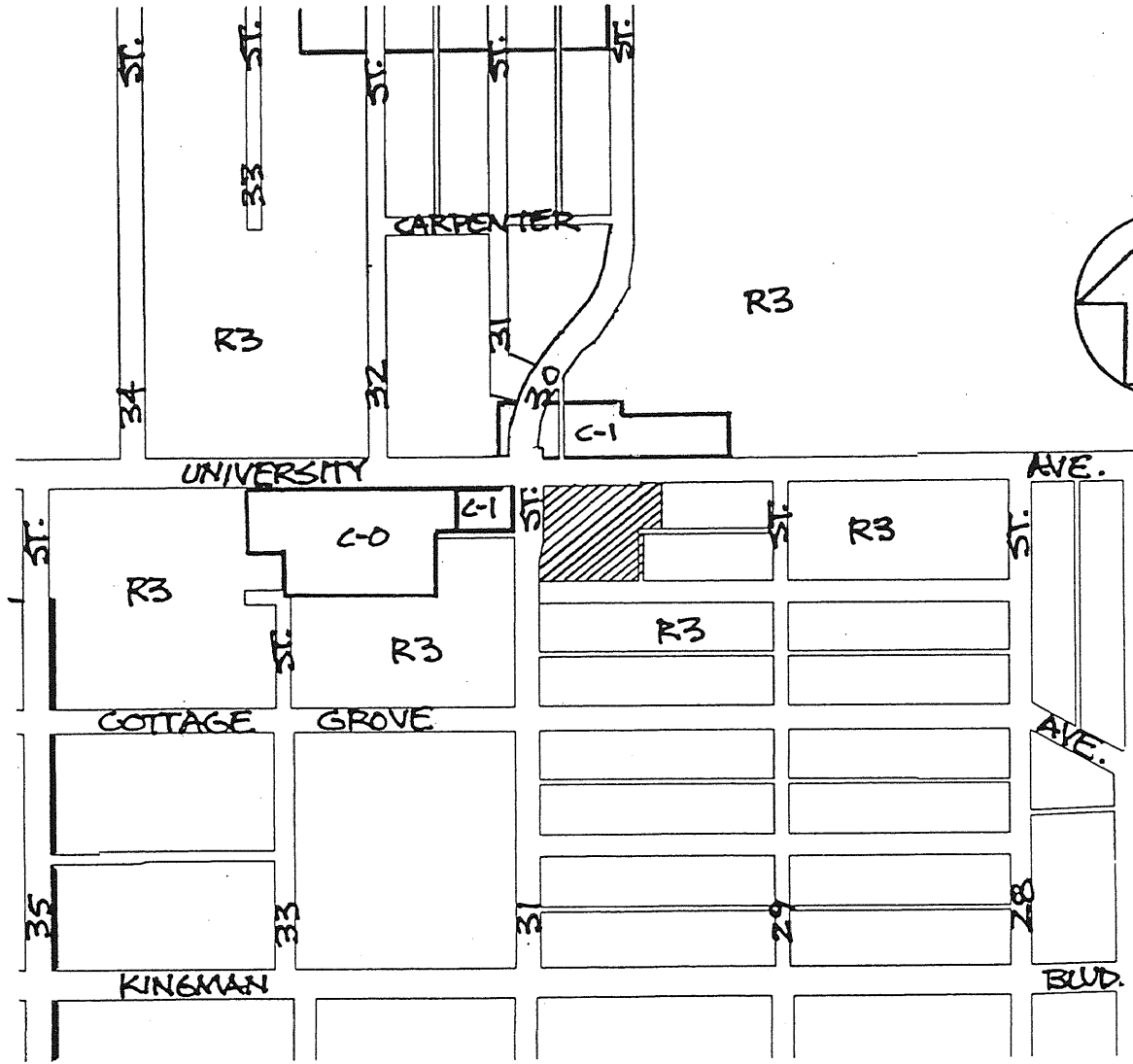
Board/Commission Action(s):

Date:	11-4-99
Board/Commission:	Plan and Zoning Commission
Action:	Continued
Date:	11-18-99
Board/Commission:	Plan and Zoning Commission
Action:	9-3 Approval

Anticipated Actions and Future Commitments: (2 lines)

Added Comments: (2 lines)

Department: Community Development



REGISTER
ORDER NO. _____ ROLL CALL LEGAL BULLETIN BOARD FOLLOW-UP

NOTICE OF HEARING

TO WHOM IT MAY CONCERN

Notice is hereby given that on the 20th day of December, 1999, at 5:30 p.m in the City Council Chamber at the City Hall at East First and Locust Streets, in the City of Des Moines, Iowa, a hearing will be held by the City Council concerning 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 31st Street and University Avenue from an "R-3" Multiple Family Residential District to a "C-1" Neighborhood Retail Commercial District. Subject property owned by Drake University.

Said property legally described as:

Lots 19 through 31, the Vacated East/West alley lying South of and adjoining to Lots 20 through 25, and the 14.0 foot North/South alley right-of-way being a part of Lot 31, all within Kingman Place, an Official Plat, Des Moines, Polk County, Iowa.

The City Plan and Zoning Commission has recommended that this rezoning be approved. A copy of the proposed rezoning ordinance is on file and available for public inspection in the office of the City Clerk.

At the above designated time and place, opportunity to be heard will be given to proponents and opponents of the above described rezoning.

CITY OF DES MOINES, IOWA

By _____
Preston A. Daniels, Mayor

ATTEST:

Donna Boetel-Baker, City Clerk

Published in the Des Moines Register on _____.