

Date..... March 14, 2011

WHEREAS, on February 28, 2011, by Roll Call No. 11-0307, the City Council duly resolved to consider a proposal from Kum & Go, LC to rezone certain property located in the vicinity of 5830 and 5832 Southeast 14th Street from the C-2 General Retail and Highway-Oriented Commercial District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on March 14, 2011, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on March 3, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 5830 and 5832 Southeast 14th Street, more fully described as follows (the "Property"):

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4) OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA.

ALSO PART OF LOT 1, BOWLARAMA PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4); THENCE S89°04'35"E, 59.87 FEET TO THE POINT OF BEGINNING; THENCE ON THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST 14TH STREET, S00°07'25"E, 285.71 FEET; THENCE CONTINUING ON SAID WESTERLY RIGHT OF WAY LINE, S45°04'47"W, 10.68 FEET TO A POINT INTERSECTING THE RIGHT OF WAY LINES OF SOUTHEAST 14TH STREET AND EAST DIEHL AVENUE; THENCE ON THE NORTHERLY RIGHT OF WAY LINE OF EAST DIEHL AVENUE, N89°27'52"W, 143.15 FEET; THENCE CONTINUING ON SAID NORTHERLY RIGHT OF WAY LINE, S88°27'11"W, 159.60 FEET; THENCE N00°00'26"E, 75.36 FEET; THENCE N39°24'40"E, 31.74 FEET; THENCE N00°00'26"E, 199.31 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4); THENCE ON SAID NORTH LINE, N89°24'44"W, 289.46 FEET TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES MORE OR LESS.

from the C-2 District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

Date March 14, 2011

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WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; NOW, THEREFORE,

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


1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and PUD Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended as set forth in the attached letter from the Planning Director, and subject to the Community Development Director finding that the conditions have been satisfied by the amendments to the plan:

MOVED by _____ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

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

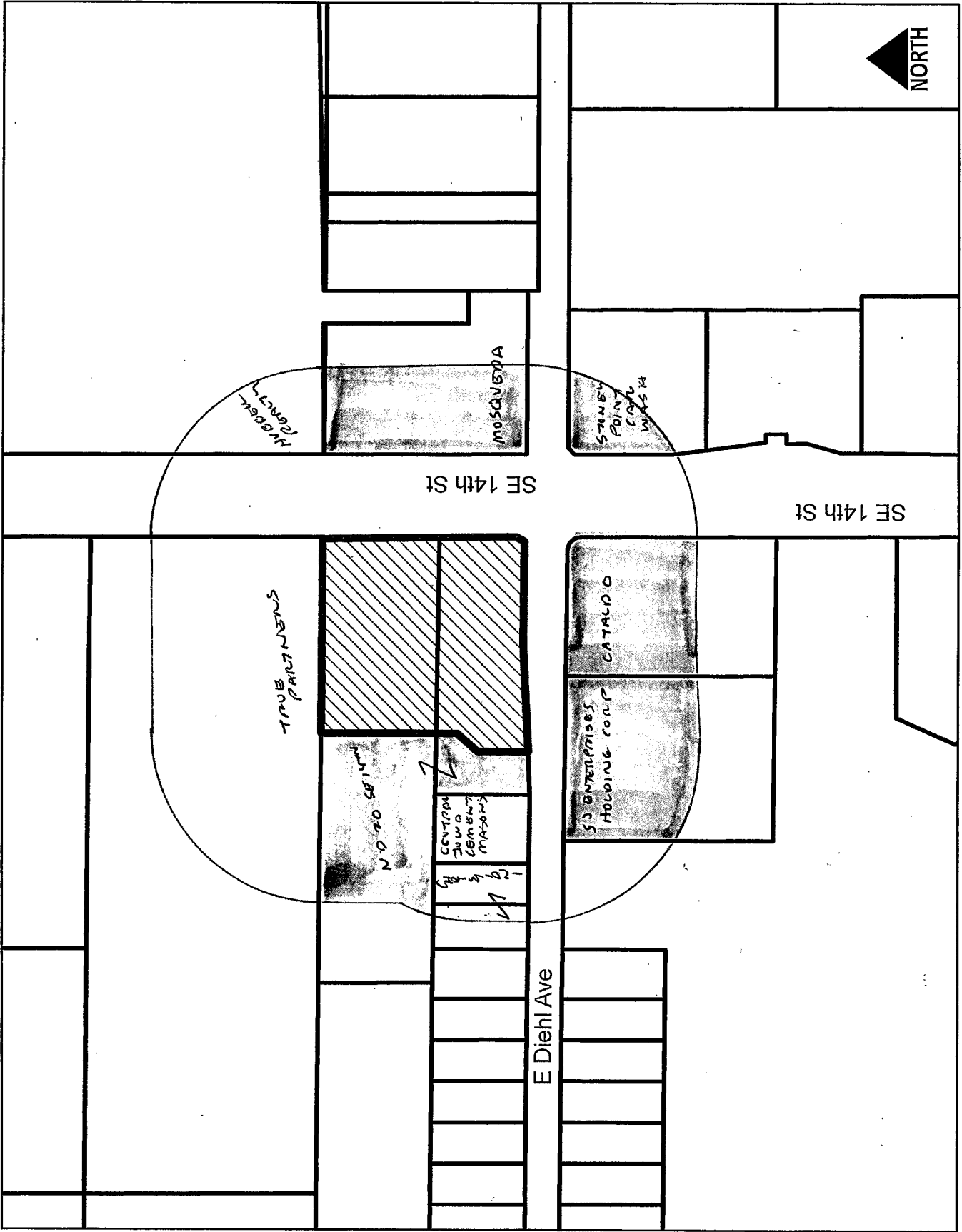
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

_____ Mayor

_____ City Clerk

ZON2011-00012

Kum & Go LC - 5830 and 5832 Southeast 14th Street



Date March 14, 2011

Agenda Item 36

Roll Call # _____

February 23, 2011

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 February 17, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0-2 as follows:



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309 -1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Dann Flaherty			X	
John "Jack" Hilmes	X			
Joel Huston			X	
Ted Irvine	X			
Greg Jones	X			
Jim Martin				X
Brian Millard	X			
William Page	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a request from Kum & Go, LC represented by Charles Campbell (officer) for property located at 5830 and 5832 Southeast 14th Street Part A) to find the requested rezoning in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) to approve the proposed rezoning to "PUD" Planned Unit Development District; and Part C) to approve the proposed Conceptual Plan, subject to the following modifications:
ZON2011-00012

- 1) Provision of a note on the Conceptual Plan stating that any gas station/convenience store shall be developed in compliance with the City's Gas Station/Convenience Store Site Plan Design Guidelines (Section 82-214.8) as demonstrated at the Development Plan stage.
- 2) Elimination of the west drive entrance onto East Diehl Avenue since it would be too close to the median improvement that the City constructed as a result of the recent Menards expansion. The City's Traffic and Transportation Division has indicated that a commercial driveway would be permitted on the parcel to the west, which would allow for a second entrance onto East Diehl Avenue so long as necessary easements are secured.

- 3) Provision of cross-access easements for the adjoining neighborhood commercial properties both to the north and to the west.
- 4) The driveway approach radius along Southeast 14th Street shall not extend beyond the adjacent property line without an agreement with that owner.
- 5) The fuel canopy shall not exceed 18 feet in height. However, oval-shaped signage on the canopy shall be permitted to have a maximum height of 20 feet 4 inches.
- 6) The bottom 6 feet of the fuel canopy columns shall be wrapped with masonry material that matches the primary building. The balance of the columns shall be painted a taupe color.
- 7) A note shall be added to state that all roof top mechanical equipment shall be screened by the building's parapet wall or other material as approved by the Community Development Director.
- 8) Any dumpster enclosure shall be constructed with masonry material to match the primary structure and shall have gates constructed with a steel frame and "Trex" material.
- 9) One freestanding sign shall be permitted on the site, which shall be a monument style sign with a masonry base to match the primary structure.
- 10) The PUD Conceptual Plan shall identify the location of propane tanks for sale and a movie rental machine (such as RedBox) along the east side of the building. A note shall be added to state that all other display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) shall be located within the main building. All outdoor display of seasonal items shall be identified on the Development Plan and be located outside of any required setbacks. No display of seasonal items shall exceed 5 feet in height.
- 11) A note shall be added to state that all site lighting will be in compliance with the lighting standards of City Code Section 82-214.8 to the satisfaction of the Community Development Director.

Written Responses

6 In Favor

0 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends the Plan and Zoning Commission find the requested rezoning in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the proposed rezoning to "PUD" Planned Unit Development District.

Part C) Staff recommends approval of the proposed Conceptual Plan, subject to the following modifications:

- 1) Provision of a note on the Conceptual Plan stating that any gas station/convenience store shall be developed in compliance with the City's Gas Station/Convenience Store Site Plan Design Guidelines (Section 82-214.8) as demonstrated at the Development Plan stage.
- 2) Elimination of the west drive entrance onto East Diehl Avenue since it would be too close to the median improvement that the City constructed as a result of the recent Menards expansion. The City's Traffic and Transportation Division has indicated that a commercial driveway would be permitted on the parcel to the west, which would allow

for a second entrance onto East Diehl Avenue so long as necessary easements are secured.

- 3) Provision of cross-access easements for the adjoining neighborhood commercial properties both to the north and to the west.
- 4) The driveway approach radius along Southeast 14th Street shall not extend beyond the adjacent property line without an agreement with that owner.
- 5) The fuel canopy, including attached signage, shall not exceed 18 feet in height.
- 6) Fuel canopy columns shall be wrapped with masonry material that matches the primary building.
- 7) A note shall be added to state that all roof top mechanical equipment shall be screened by the building's parapet wall or other material as approved by the Community Development Director.
- 8) Any dumpster enclosure shall be constructed with masonry material to match the primary structure and steel gates.
- 9) Any freestanding sign on the site shall be a monument style sign with a masonry base to match the primary structure.
- 10) A note shall be added to state that all display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) shall be located within the main building. All outdoor display of seasonal items shall be identified on the Development Plan and be located outside of any required setbacks. No display of seasonal items shall exceed 5 feet in height.
- 11) A note shall be added to state that all site lighting will be in compliance with the lighting standards of City Code Section 82-214.8 to the satisfaction of the Community Development Director.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed PUD would allow development of a convenience store with 10 fueling pumps (20 fueling locations). The submitted PUD Conceptual Plan proposes one access driveway from SE 14th Street and two access driveways from East Diehl Avenue. Future construction on the site must be in accordance with a Development Plan (site plan) that complies with the requirements established in the PUD Conceptual Plan.
2. **Size of Site:** 2 acres.
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District with "VDL" Vehicle Display Lot Overlay District.
4. **Existing Land Use (site):** Undeveloped land.
5. **Adjacent Land Use and Zoning:**
 - North** – "C-2"; Use is undeveloped land.
 - South** – "C-2"; Uses are East Diehl Avenue, Bowlerama, and a commercial center.
 - East** – "C-2"; Use are SE 14th Street and Tasty Tacos.

West – “C-2”; Use is undeveloped land.

6. **General Neighborhood/Area Land Uses:** The proposed development is located along the Southeast 14th Street commercial corridor at the northwest corner of its intersection with East Diehl Avenue.
7. **Applicable Recognized Neighborhood(s):** South Park Neighborhood Association.
8. **Relevant Zoning History:** NA.
9. **2020 Community Character Land Use Plan Designation:** Commercial” Auto-Oriented Community Commercial.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** The applicant must comply with the City’s storm water management, soil erosion protection and grading requirements as approved by the City’s Permit and Development Center’s engineering staff during the Development Plan (site plan) review. The submitted Conceptual Plan demonstrates two stormwater detention basins in the southern portion of the site.
2. **2020 Community Character Plan:** The proposed rezoning conforms to the Des Moines’ 2020 Community Character Plan Future Land Use designation of Commercial: Auto-Oriented Commercial Corridor.
3. **Traffic/Street System:** The submitted PUD Conceptual Plan proposes one access driveway from SE 14th Street and two access driveways from East Diehl Avenue. The City’s Traffic and Transportation Division has indicated that the west drive entrance onto East Diehl Avenue must be removed since it would be too close to the median improvement that the City constructed as a result of the recent Menards expansion. The City’s Traffic and Transportation Division has also indicated that a driveway would

be permitted on the parcel to the west. Therefore, the proposed PUD could be served by a shared driveway on the property to the west if the necessary easements are secured.

The City's Traffic and Transportation Division has also indicated that the driveway approach radius along Southeast 14th Street should not extend beyond the adjacent property line without an agreement with that owner.

4. **Parking:** The City's standard off-street parking requirement for retail uses with fuel sales is 1 parking space per 300 square feet. This would require a minimum of 17 spaces for a 4,958-square foot building. The submitted Concept Plan includes 36 spaces. Staff believes that this is an appropriate number of stalls.
5. **Urban Design:** Staff believes that a note should be added to the PUD Conceptual Plan to state that the proposed convenience store project shall be developed in accordance with the City's Gas Station/Convenience Store Site Plan Design Guidelines. The following are the guidelines as listed in Chapter 82 of the City Code (Section 82-214.8) with staff comments as appropriate in italics.

Site Design

- A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:
 - (i) Primary structure/retail sales building/single or multiple tenant;
 - (ii) Pump island, canopy structure, and lighting;
 - (iii) Refuse, service and storage area;
 - (iv) Circulation systems and parking;
 - (v) Service bays;
 - (vi) Ancillary uses such as car washes, drive through uses, ATMs and telephones.
- B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.
- C. Minimum open space should be 20% of the site or 1,000 square feet per vehicle fueling location, whichever is greater.

The site measures 2 acres and would contain 20 fueling locations. A minimum of 20,000 square feet of open space is required to meet this guideline. The submitted Concept Plan shows that the site would have at least 21,780 square feet (25% of site) of open space, which meets and exceeds this guideline.

- D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:
 - (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;

- (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
- (iii) Minimizing cross traffic conflicts within parking areas.

The Conceptual Plan shall provide drive connection points to the undeveloped commercial sites to the north and to the west.

- E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:
 - (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;
 - (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;
 - (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;
 - (iv) Lighting should be non-invasive to adjoining residential use.
- F. The site plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

The Conceptual Plan provides sidewalks along both Southeast 14th Street and East Diehl Avenue, as well as sidewalks connections through the site to the primary building.

Architecture

- A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.
- B. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city's 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.
- C. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.
- D. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.
- E. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.
- F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.
- G. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.
- H. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
 - (i) Low-scale planters and site walls.
 - (ii) Wainscot treatment.

- (iii) Clearly pronounced eaves or cornices.
- (iv) Subtle changes in material color and texture.
- (v) Variation in roof forms.
- (vi) Covered pedestrian frontages and recessed entries.
- (vii) Deeply set windows with mullions.

The proposed building would be sided with brick, architectural block, and cast stone on all facades. The building would have a canopy over the front to provide a covered pedestrian area. Staff believes that the proposed design meets these guidelines.

I. Canopies:

- (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.

The proposed canopy would be sided with a metal material and supported by metal columns. Staff believes that the columns must be wrapped in masonry that matches the building for this guideline to be met.

- (ii) Canopy height should not be less than 13'- 9" as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18'.

The submitted Conceptual Plan indicates the canopy would be approximately 21 feet tall, including attached signage. Staff recommends that this be reduced to 18 feet to comply with the standard.

- J. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the site plan and be located outside of any required setbacks. No display of seasonal items should exceed 5' in height.

Staff recommends that a note must be added to the PUD stating that this guideline will be met.

Landscape Design

- A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.
- B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.
- C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.
- D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.
- E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.

- F. Monument signs are encouraged and are required when the site adjoins a residential district.

The submitted Conceptual Plan states the site will provide open space that is equal to at least 20% of the total lot area, with 1 overstory tree and 1 shrub per 2,500 square feet of open space. The Conceptual Plan also states the site will provide parking lot perimeter plantings of 1 overstory tree and 3 shrubs per 50 lineal feet of paved parking area parallel to the property line.

The submitted Concept Plan includes one monument style sign along Southeast 14th Street and one pole sign along East Diehl Avenue. Both signs would include a 10-foot by 5-foot (50 square feet) component and a 10-foot by 2.5-foot (25 square feet) component. Staff recommends that any freestanding sign on the site shall be the monument style sign with a masonry base to match the primary structure, rather than a freestanding pole sign.

Lighting

- A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.
- B. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The site plan must contain illuminance models showing light levels throughout the site.
- C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.
- D. Parking Lot and Site Lighting:
 - (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
 - (ii) Maximum pole heights should not exceed 20'.
- F. Building-Mounted Lighting:
 - (i) All luminaries should be a full cut-off design and aimed downward.
 - (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

The submitted information does not address lighting. Staff recommends that compliance these guidelines to the satisfaction of the Community Development Director be a condition of approval.

SUMMARY OF DISCUSSION

Bert Drost presented the staff report and recommendation.

Brian Millard asked if staff's recommendation is that the final PUD does not have to come back to the Commission or was such a condition excluded.

Mike Ludwig stated that staff's recommendation is to follow the code, which states that the final PUD is reviewed administratively. The Commission can ask the applicant if they want to come back to the Commission with the final PUD.

JoAnne Corigliano asked if the applicant is proposing two signs on this property.

Bert Drost stated that the applicant asked for both a monument sign along SE 14th Street and a pole sign along East Diehl Avenue. Staff's recommends is that both signs be monument style.

JoAnne Corigliano stated that she does not believe two signs are necessary.

Brian Millard noted the concept plan calls for a bio-retention basin and a pond. Is the pond specifically named a pond for a purpose or is it a mistake.

Bert Drost stated he did not know if there are two different types. However, the official storm water management plan would be reviewed and approved at the development plan phase.

Josh House, Kum & Go Convenient Stores, 6400 Westown Parkway, West Des Moines, stated the neighborhood meeting was held February 7, 2011 and several neighbors expressed their concern regarding traffic on East Diehl Avenue. Ultimately, they expressed their acceptance of the redevelopment of this corner. Since the staff recommendation was distributed the applicant has had an opportunity to make some revisions to the PUD Conceptual Plan to comply with most of the recommendations. Regarding condition #2, the adjacent property owner has been contacted and has agreed to allow the western driveway along East Diehl Avenue to be shifted onto this property with the proper easements. Also, the height of the fuel canopy has been lowered to 18 feet, with the exception of the oval signs that would protrude 2 feet 4 inches above the canopy.

Dann Flaherty asked if the applicant would be willing to eliminate the freestanding sign along East Diehl Avenue in exchange for additional canopy height to accommodate the oval sign.

Josh House stated Kum & Go would consider this. He also pointed out that if a sign were allowed along East Diehl Avenue, it would be constructed as a monument sign rather than the pole sign shown on the Concept Plan.

Will Page stated that Kum & Go is being consistent with having a monument sign along both street frontages.

Josh House stated that the placement of the freestanding signs have been shifted in order to accommodate the relocation of the western driveway onto East Diehl Avenue.

Kent Sovern asked the applicant to demonstrate the route that fuel and delivery vehicles would use to access the site.

Vu Nguyen, Olsson Associates, 11035 Aurora Avenue, Urbandale, explained the fuel truck circulation.

To address the earlier question regarding the bio-retention basin and pond, a percolation test and a geotechnical report were completed in order to adhere to the City of Des Moines' stormwater standards. The bio-retention basin is in an area where water is able to percolate water into the ground whereas the pond is in an area that the soil is not suitable for percolation. It will most likely be a dry pond but has this not been determined yet.

Brian Millard asked if the applicant is anticipating any problems with water coming onto their site.

Vu Nguyen stated they are not anticipating any problems with water coming on their site. However, they are detaining according to the City of Des Moines standards so they are not adding to the problem south of them. They are dumping into the City of Des Moines stormsewer but they are controlling the rate of output.

Dann Flaherty asked if that is a detention basin or a retention basin.

Vu Nguyen stated that the bio will be considered retention. The pond is considered detention and will be released into the stormsewer.

The proposed dumpster enclosure would be constructed with masonry material to match the building. The gates would have steel frames and "Trex" boards spaced so that they are opaque.

Josh House stated that they intend to sell propane and have a RedBox (movie rental) machine outside the store so they have revised the Conceptual Plan to show their placement.

JoAnne Corigliano stated that she is still against having two monument signs on the property. The sign on East Diehl Avenue would be an overkill.

Dann Flaherty asked the applicant if they would give up that sign along East Diehl Avenue for allowing the oval sign on the canopy to exceed 18 feet.

Josh House stated they would be willing to compromise and give up the sign on East Diehl Avenue for the increase height of the canopy to accommodate the Kum & Go ovals.

JoAnne Corigliano stated that the oval signs are much more pleasing and would rather have the oval on the canopy versus the second sign.

Brian Millard stated he would like to see the final PUD Development Plan come back to the Commission for review and approval.

Josh House stated that the current contract with the current property owner would expire before the Planning Commission could review the Development Plan. Kum & Go does not own the property and will not close on a property until they know for sure that they can build their store.

Brian Millard asked how quickly they could get their Development Plan completed.

Josh House stated they can get it done in a couple of weeks.

Mike Ludwig stated that it is entirely up to the applicant and the Commission. The applicant has to go to Council for their rezoning, which will require three readings.

Brian Millard asked if the Council can waive the second and third readings.

Mike Ludwig stated the Council can waive the second and third readings on the zoning. However, Mr. Millard is asking for as a condition to that requires the final PUD Development Plan to come back to the Commission for review.

Brian Millard asked if that review of the Development Plan can be done in advance of the City Council meeting.

Mike Ludwig stated that it cannot be done in advance of the City Council meeting as the zoning condition would not yet be approved.

Greg Jones stated they will have zoning once they go to Council and that the applicant cannot substantially deviate from the Concept Plan that is approved as part of the PUD rezoning. He does not believe it is necessary to bring the PUD Development Plan back to the Commission.

CJ Stephens stated that Kum & Go is a quality company and they will do what they say they will do. She disagrees with requiring the final PUD Development Plan to come back to the Plan and Zoning Commission.

Shirley Daniels stated that there are enough guidelines in place and she trusts that Kum & Go is going to do what they say they are going to do. She also trusts that staff is going to hold Kum & Go to the approved Conceptual Plan. She does not think it is necessary to require them to come back to the Commission for final approval.

Brian Millard stated that the PUD goes with the property and not with the ownership.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in support or in opposition of applicant's request

CHAIRPERSON CLOSED THE PUBLIC HEARING

Ted Irvine asked Brian Millard to explain why they need the final PUD Development Plan to come back to the Plan and Zoning Commission.

Brian Millard stated that he has seen the PUD at the intersection of University Avenue and 63rd Street come before the Commission for approval of a Conceptual Plan. However, the Development Plan approved by staff substantially deviated from the approved Conceptual Plan. He believes that Kum & Go will come back with what they have shown on Conceptual Plan but he wants to make sure.

JoAnne Corigliano stated that she has had that experience in her neighborhood, too.

CJ Stephens stated that Kum & Go is a quality company and they will do what they say they will do. She disagrees that they should have to come back to the Plan and Zoning Commission to vote on this again.

Shirley Daniels stated that there are enough guidelines in place and she trusts that Kum & Go is going to do what they say they are going to do. She also trusts that staff is going to hold Kum & Go to the approved Conceptual Plan. She does not think it is necessary to require them to come back to the Commission for final approval.

Brian Millard stated that the PUD goes with the property and not with the ownership.

COMMISSION ACTION:

Brian Millard moved Part A) to find the requested rezoning in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) to approve the proposed rezoning to "PUD" Planned Unit Development District; and Part C) to approve the proposed Conceptual Plan, subject to the following modifications:

- 1) Provision of a note on the Conceptual Plan stating that any gas station/convenience store shall be developed in compliance with the City's Gas Station/Convenience Store Site Plan Design Guidelines (Section 82-214.8) as demonstrated at the Development Plan stage.
- 2) Elimination of the west drive entrance onto East Diehl Avenue since it would be too close to the median improvement that the City constructed as a result of the recent Menards expansion. The City's Traffic and Transportation Division has indicated that a commercial driveway would be permitted on the parcel to the west, which would allow for a second entrance onto East Diehl Avenue so long as necessary easements are secured.
- 3) Provision of cross-access easements for the adjoining neighborhood commercial properties both to the north and to the west.
- 4) The driveway approach radius along Southeast 14th Street shall not extend beyond the adjacent property line without an agreement with that owner.
- 5) The fuel canopy shall not exceed 18 feet in height. However, oval-shaped signage on the canopy shall be permitted to have a maximum height of 20 feet 4 inches.
- 6) The bottom 6 feet of the fuel canopy columns shall be wrapped with masonry material that matches the primary building. The balance of the columns shall be painted a taupe color.
- 7) A note shall be added to state that all roof top mechanical equipment shall be screened by the building's parapet wall or other material as approved by the Community Development Director.
- 8) Any dumpster enclosure shall be constructed with masonry material to match the primary structure and shall have gates constructed with a steel frame and "Trex" material.
- 9) One freestanding sign shall be permitted on the site, which shall be a monument style sign with a masonry base to match the primary structure.
- 10) The PUD Conceptual Plan shall identify the location of propane tanks for sale and a movie rental machine (such as RedBox) along the east side of the building. A note shall be added to state that all other display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) shall be located within the main building. All outdoor display of seasonal items shall be identified on the Development Plan and be located outside of any required setbacks. No display of seasonal items shall exceed 5 feet in height.

- 11) A note shall be added to state that all site lighting will be in compliance with the lighting standards of City Code Section 82-214.8 to the satisfaction of the Community Development Director.
- 12) The PUD Final Development Plan shall come back to the Plan and Zoning Commission for final approval.

Motion failed 2-7-2 (Brian Millard and JoAnne Corigliano voted in favor. Greg Jones, CJ Stephens, John "Jack" Hilmes, Kent Sovern, Ted Irvine, Will Page, and Shirley Daniels voted in opposition. Dann Flaherty and Joel Huston abstained)

Greg Jones moved staff recommendation for: Part A) to find the requested rezoning in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) to approve the proposed rezoning to "PUD" Planned Unit Development District; and Part C) to approve the proposed Conceptual Plan, subject to the following modifications:

- 1) Provision of a note on the Conceptual Plan stating that any gas station/convenience store shall be developed in compliance with the City's Gas Station/Convenience Store Site Plan Design Guidelines (Section 82-214.8) as demonstrated at the Development Plan stage.
- 2) Elimination of the west drive entrance onto East Diehl Avenue since it would be too close to the median improvement that the City constructed as a result of the recent Menards expansion. The City's Traffic and Transportation Division has indicated that a commercial driveway would be permitted on the parcel to the west, which would allow for a second entrance onto East Diehl Avenue so long as necessary easements are secured.
- 3) Provision of cross-access easements for the adjoining neighborhood commercial properties both to the north and to the west.
- 4) The driveway approach radius along Southeast 14th Street shall not extend beyond the adjacent property line without an agreement with that owner.
- 5) The fuel canopy shall not exceed 18 feet in height. However, oval-shaped signage on the canopy shall be permitted to have a maximum height of 20 feet 4 inches.
- 6) The bottom 6 feet of the fuel canopy columns shall be wrapped with masonry material that matches the primary building. The balance of the columns shall be painted a taupe color.
- 7) A note shall be added to state that all roof top mechanical equipment shall be screened by the building's parapet wall or other material as approved by the Community Development Director.
- 8) Any dumpster enclosure shall be constructed with masonry material to match the primary structure and shall have gates constructed with a steel frame and "Trex" material.
- 9) One freestanding sign shall be permitted on the site, which shall be a monument style sign with a masonry base to match the primary structure.
- 10) The PUD Conceptual Plan shall identify the location of propane tanks for sale and a movie rental machine (such as RedBox) along the east side of the building. A note shall be added to state that all other display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) shall be located within the main building. All outdoor display of seasonal items shall be identified on the Development Plan and be located outside

of any required setbacks. No display of seasonal items shall exceed 5 feet in height.
11)A note shall be added to state that all site lighting will be in compliance with the lighting standards of City Code Section 82-214.8 to the satisfaction of the Community Development Director.

Motion passed 9-0-2

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Ludwig".

Michael Ludwig, AICP
Planning Administrator

MGL:clw

Attachment

Item 2011-00012 Date 2-14-11

I (am) (am not) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT

FEB 18 2011

DEPARTMENT

Signature Jan Goode
Jan Goode
Address 4501 SE 6th

Reason for opposing or approving this request may be listed below:

We like the plan
and appreciate the
positive development.

SOUTH PARK NEIGHBORHOOD ASSOCIATION

Item 2011-00012 Date 2-11-11

I (am) (am not) in favor of the request.

RECEIVED
COMMUNITY DEVELOPMENT

FEB 14 2011

DEPARTMENT

Print Name MIKE CONNOR
Signature Mike Connor
Address 5900 SE 127th ST

Reason for opposing or approving this request may be listed below:

Item 2011-00012 Date 2-10-2011

(am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Lloyd Linn
STONEY POINT CARWASH

Signature [Signature]

FEB 11 2011 Address 5901 SE 14th DMZ

Reason for opposing or approving this request may be listed below:

This would be a great addition to
the area.

Item 2011-00012 Date 2-9-11

(am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Jake Christansen

FEB 14 2011 Signature [Signature]

DEPARTMENT Address 1045 76th St, Suite 2000
West Des Moines, Iowa 50266

Reason for opposing or approving this request may be listed below:

SUBJECT PROPERTY & ADJOINING PROPERTY

Item 2011-00012 Date FEBRUARY 9, 2011

36

(am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name S J ENTERPRISES

Signature DAN J BOBENHOUSE

FEB 11 2011 Address 1313 EAST Diehl Ave.

Des MOINES, 50315

Reason for opposing or approving this request may be listed below:

DEPARTMENT

I believe it will be an ASSET TO the
neighborhood

Item 2011-00012 Date 2-9-11

(am) (am not) in favor of the request.

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Antonia Mosqueda

Signature Antonia Mosqueda

FEB 11 2011 Address 1420 E. Grand Ave

Reason for opposing or approving this request may be listed below:

DEPARTMENT

More business on SE 14th is
needed. Go for it.