

Date.....

July 9, 2012

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on June 21, 2012, its members voted 8-2 in support of a motion to recommend **APPROVAL** of a request from Kum & Go, LC (purchaser) represented by Nick Halfhill (officer), 4G Properties, LLC (owner) to rezone property located at 6304 Southwest 9th Street from C-2" General Retail and Highway Oriented Commercial District and "R1-60" One-Family Low Density Residential District to "PUD" Planned Unit Development.

The subject properties are more specifically described as follows:

PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 14052 AT PAGE 229 OF LOTS 1, 2, 21, & 22 IN LANGDON PLACE, AN OFFICIAL PLAT, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

A PARCEL OF LAND THAT IS A PART OF LOT ONE (1) EXCEPT THE SOUTH 10 FEET THEREOF, IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 4986, PAGE 219, AND EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY WARRANTY DEED RECORDED IN BOOK 4986, PAGE 222;

AND PART OF LOT TWO (2), IN LANGDON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND PART OF LOT TWENTY-ONE (21), IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY DEED RECORDED IN BOOK 4986, PAGE 222;

AND PART OF LOT TWENTY-TWO (22), IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY DEED RECORDED IN BOOK 4986, PAGE 222; MORE PARTICULARLY

July 9, 2012

Date

-2-

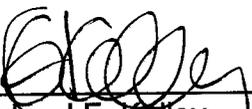
DESCRIBED AS FOLLOWS; BEGINNING AT THE NW CORNER OF SAID LOT 21; THENCE N 01°17'07" E, A DISTANCE OF 30.26 FEET TO THE NE CORNER OF SAID LOT 2; THENCE N 89°44'53" W, A DISTANCE OF 122.27 FEET TO THE NW CORNER OF SAID LOT 2; THENCE S 00°16'17" W, A DISTANCE OF 87.81 FEET; THENCE S 89°58'53" W, A DISTANCE OF 10.62 FEET; THENCE S 00°17'50" E, A DISTANCE OF 154.82 FEET; THENCE S 89°47'48" E, A DISTANCE OF 132.80 FEET; THENCE S 00°18'33" E, A DISTANCE OF 10.00 FEET; THENCE S 89°47'48" E, A DISTANCE OF 250.80 FEET TO A POINT ON THE WEST R.O.W. OF SW 9TH ST.; THENCE N 00°09'50" W, A DISTANCE OF 139.73 FEET ALONG SAID R.O.W.; THENCE N 02°38'07" E, A DISTANCE OF 81.60 FEET ALONG SAID R.O.W.; THENCE N 89°33'35" W, A DISTANCE OF 255.18' ALONG THE NORTH LINE OF SAID LOT 21 TO THE POINT OF BEGINNING, AND CONTAINING 2.00 ACRES MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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 5:00 p.m. on July 23, 2012, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by _____ to adopt.


 Michael F. Kelley
 Assistant City Attorney

(ZON2012-00089)

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

CERTIFICATE

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

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

MOTION CARRIED

APPROVED

 Mayor

 City Clerk

June 29, 2012

Date JUL 09 2012

Agenda Item 16

Honorable Mayor and City Council
City of Des Moines, Iowa

Roll Call # _____

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held June 21, 2012, the following action was taken regarding a request from Kum & Go, LC (purchaser) represented by Nick Halfhill (officer), 4G Properties, LLC (owner) to rezone property located at 6304 Southwest 9th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 8-2 as follows:

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty		X		
John "Jack" Hilmes	X			
Ted Irvine				X
Greg Jones	X			
William Page	X			
Christine Pardee		X		
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill	X			

APPROVAL of Part A) to find the requested rezoning **not** in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) to approve the proposed amendment to the Des Moines' 2020 Community Character Plan Future Land Use Map; Part C) to approve the proposed rezoning to "PUD" Planned Unit Development District; and Part D) to approve of the proposed Conceptual Plan, subject to the following modifications:
(ZON2012-00089 & 21-2012-4.06)

- 1) Provision of a cross-access easement for the property to the north.
- 2) Provision of a pedestrian route from the store to the SW 9th Street sidewalk along the north perimeter of the site. This should be accomplished by reducing the width of the north drive aisle or other means that minimize impacts on the north perimeter landscaping.
- 3) Provision of notes on the Conceptual Plan that indicated the dimension and area of the proposed building and canopy signage.
- 4) Fuel canopy columns shall be wrapped with masonry material that matches the primary building.



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

- 5) Prohibition of a Class E liquor license at the subject property.
- 6) Provision of the following notes on the Conceptual Plan:
 - a. Any sale of wine and/or beer shall be accessory to a gas station/convenience store, where no more than 40% of the business' gross revenue is derived from the sale of tobacco products, alcoholic liquor, wine, and/or beer.
 - b. Any sale of wine and/or beer shall be in accordance with the proper license obtained through the Office of the City Clerk as approved by the City Council.
 - c. Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times.
 - d. The business shall comply with article IV of chapter 42 of this Code pertaining to noise control.
 - e. No sale of alcoholic beverages shall be made from a drive-through window.
 - f. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
 - g. The PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of alcoholic liquor if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends the Plan and Zoning Commission find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the proposed amendment to the Des Moines' 2020 Community Character Plan Future Land Use Map.

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

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

- 1) Provision of a cross-access easement for the property to the north.
- 2) Provision of a pedestrian route from the store to the SW 9th Street sidewalk along the north perimeter of the site. This should be accomplished by reducing the width of the north drive aisle or other means that minimize impacts on the north perimeter landscaping.
- 3) Provision of notes on the Conceptual Plan that indicated the dimension and area of the proposed building and canopy signage.
- 4) Fuel canopy columns shall be wrapped with masonry material that matches the primary building.

- 5) Prohibition of a Class E liquor license at the subject property.
- 6) Provision of the following notes on the Conceptual Plan:
 - a. Any sale of wine and/or beer shall be accessory to a gas station/convenience store, where no more than 40% of the business' gross revenue is derived from the sale of tobacco products, alcoholic liquor, wine, and/or beer.
 - b. Any sale of wine and/or beer shall be in accordance with the proper license obtained through the Office of the City Clerk as approved by the City Council.
 - c. Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times.
 - d. The business shall comply with article IV of chapter 42 of this Code pertaining to noise control.
 - e. No sale of alcoholic beverages shall be made from a drive-through window.
 - f. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
 - g. The PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of alcoholic liquor if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.

Written Responses

- 2 In Favor
- 2 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed PUD would allow development of expanded outdoor zoo exhibits, reconfiguration of the primary off-street parking lot, and to allow for unimproved overflow off-street parking. By rezoning the site to "PUD", the zoo would not be required to return to the Zoning Board of Adjustment to amend their Conditional Use Permit each time they construct improvements at the zoo.
2. **Size of Site:** 66.75 acres.
3. **Existing Zoning (site):** "R1-80" One-Family Residential District and "A-1" Agricultural District.
4. **Existing Land Use (site):** The proposed PUD is currently comprised the Blank Park Zoo and a portion of the Blank Golf Course.
5. **Adjacent Land Use and Zoning:**

North – "A-1", Uses include the Fort Des Moines Historical National Landmark and the Fort Des Moines Residential Correctional Facility.

South – “R1-80”, Use is the Blank Golf Course.

East – “M-2”, Use is a vehicle repair business.

West – “R1-60”, Uses include residential uses.

6. General Neighborhood/Area Land Uses: The subject property is located along Southwest 9th Street between Army Post Road and the Highway 5 bypass.

7. Applicable Recognized Neighborhood(s): NA.

8. Relevant Zoning History: On September 22, 2010, the Zoning Board of Adjustment granted a Special Permit to allow expansion of the Blank Park Zoo to include the Australian Trail Adventure exhibit that would include new space for animal species native to Australia, the Gateway to Africa exhibit that would include new exhibit space for animal species native to Africa, and the Gibbons exhibit.

On April 27, 2011, the Zoning Board of Adjustment granted a Special Permit to allow development of two off-street parking lots that are not paved or marked to the required standards for a period of 18 months and a Special Permit to allow expansion of the Blank Park Zoo to include relocation of the main vehicular access from Southwest 9th Street, relocation of the existing monument sign, installation of an additional entry sign, expansion of off-street parking areas, relocation of the park shelter and playground, expansion of the area for animal exhibits, and an animal holding building. These approvals were subject to submittal of an application on the Zoo’s behalf to rezone the zoo to “PUD” Planned Unit Development no later than May 3, 2012.

9. 2020 Community Character Land Use Plan Designation: Public/Semi Public and Park/Open Space.

10. Applicable Regulations: The Commission reviews all proposals to amend zoning boundaries or regulations 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 make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. 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. Access or Parking: The PUD Conceptual Plan demonstrates that the existing paved parking lot would be reconfigured to have 306 parking spaces for cars and 6 parking

spaces for buses. The Conceptual Plan also demonstrates two smaller paved parking lots near the administration building.

The Conceptual Plan also includes three existing overflow parking lots along the north boundary. These include a 2.15-acre granular (crush limestone) surface lot with 284 spaces, a grass-surfaced lot with 96 spaces, and a grass-surfaced lot with 170 spaces. The Conceptual Plan states that these overflow parking lots are generally only used during special events, such as Night Eyes in October or July 4th celebrations, and that the overflow lots are not used for employee parking.

The overflow parking lots are within the area designated as the historic Fort Des Moines National Landmark. The State's Historical Preservation Office (SHPO) has submitted a letter in support of the zoo's continued use of the graveled parking lot for overflow parking. They are opposed to any improvements, such as concrete, asphalt, or recycled asphalt, which would increase the visual presence or make the parking lot more permanent. SHPO would not oppose "grass-crete" pavers that allow grass to grow through or a dust control agent applied to the gravel to minimize dust.

In order to ensure that the parking lot does not create fugitive dust, staff recommends that a note be added to the Conceptual Plan to require any gravel-surfaced parking lot to be sprayed annually with a dust control agent. Staff consulted a local company to get a cost estimate for treating the 2.15-acre graveled parking lot. It would cost approximately \$1,575 per acre to treat the parking lot with calcium chloride, which computes to \$3,386 for the 2.15-acre lot. Only one application would be necessary during a summer with normal weather. A second application would be needed only during a really dry summer.

2. **2020 Community Character Plan:** The Blank Park Zoo use is most consistent with the Public/Semi Public land use designation in the Des Moines 2020 Community Character Plan. Therefore, a portion of the site needs to be amended from Park/Open Space to Public/Semi Public on the land use plan map.
3. **Drainage/Grading:** The PUD Conceptual Plan demonstrates existing and proposed stormwater detention basins scattered throughout the site. Engineering staff has reviewed the PUD Conceptual Plan and believes the conceptual locations for drainage and stormwater management are adequate. Approval of any future Development Plan will be subject to compliance with grading/silt control, stormwater management requirements, and Site Plan policies for drainage and grading.
4. **Landscaping & Buffering:** The PUD Conceptual Plan states that the site would be landscaped in accordance with the landscaping standards as applicable to the "C-2" District. The PUD Conceptual Plan demonstrates a mix of perimeter and interior plantings within the main parking lot, with provision of one landscape island per 20 off-street parking spaces within the off-street parking lot.
5. **Urban Design:** The proposed PUD Conceptual Plan states that architectural elements for buildings and signage shall be considered on a project by project basis. Given the unique nature of the zoo use, unique materials are allowed. Unique materials shall be those of a permanent nature and those consistent with the intended use of the proposed structures.

6. **Signage:** The zoo currently has a 20-foot tall sign along Southwest 9th Street with a digital reader board and a 37-foot tall decorative sign over the entrance to the parking lot. The PUD Conceptual Plan states that signage visible from public right-of-way shall include monument and entrance signs that may be illuminated and have heights up to 40 feet. Signage not visible from public right-of-way would be allowed without review.
7. **Additional Information:** The PUD Conceptual Plan states the following:
- All outdoor storage would be screened by a minimum 6-foot tall screen.
 - Any transformer, junction box, air conditioner, or other such item over 3 feet in height shall not be located within a required front yard setback. All rooftop mechanical units shall be screened from street level.
 - Any trash container visible from the street shall be screened by an enclosure constructed of masonry walls and steel gates.
 - Various fencing types would be utilized for security, animal containment, and other purposes. Allowed fence type include chain link, chain link with security top, wood, metal, vinyl, and electric.

SUMMARY OF DISCUSSION

Bert Drost presented the staff report and recommendation.

JoAnne Corigliano asked if the canopies are taller than normal.

Bert Drost stated the guidelines suggest a maximum height of 18 feet. The applicant is requesting to have the ability to have a 19 ½ feet tall canopy. One end would be 18 feet but the other end would be 19 ½ feet due to the slight change in grade. They are also asking for the ability to have signs that extend an additional 2 ½ feet in height.

Mike Ludwig stated the same canopy request was proposed for SE 14th Street at Diehl and the Commission granted that request.

JoAnne Corigliano stated that the one on SE 14th Street is a highway and SW 9th Street is not. She also wanted to know if the gas station that is on the SE corner of Army Post and SW 9th was allowed to have 19 ½ feet canopies.

Mike Ludwig stated that the other gas station predates the current ordinance.

Kolby Jones 6400 Westown Parkway, West Des Moines stated all of their new buildings are LEED certified, they are requesting the same store canopy that was done on Southeast 14th. As for the liquor issue, they did not realize one of the requirements to have liquor is they not be within 150 feet from any church, school, park or daycare. So they agreed with taking the liquor issue off the request. The old store at 101 Army Post Road will be deed restricted so another convenience store can't come in; they will remove their tanks and take down the canopy. They will then re-tenant the building with either an office or retail user. They did hold a neighborhood meeting at that meeting there was some concerns. One concern was the fence height. The applicant had proposed a 6 feet privacy fence facing the west side of the property. Listening to the neighbors they had requested going from a 6 foot to an 8 foot privacy fence on the west and north lot lines abutting residential properties. In the PUD submittal the applicant did comply with the neighbors request and they did go to an 8 foot privacy fence. Sara Bowers with Olson & Associates is here with him tonight to answer any technical question.

John "Jack" Hilmes asked how many Kum and Go stores in the City of Des Moines.

Kolby Jones stated that there are 49 stores in Des Moines Metro.

John "Jack" Hilmes stated that he is guessing that they are trading out old stores according to his previous comments.

Kolby Jones stated that is correct.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor of the applicant's request.

The following spoke in opposition of the applicant's request.

Donna Grange owner of 6301 SW 10th stated her concerns are the increased noise, increased traffic, trash and that any overflow of water that the retention pond does not hold will go into residential basement. If the pond does not empty out then there will be a great deal of bugs and mosquitoes. Another concern is the decrease in property value, possible loss of renters and the canopies will make the lights higher. Therefore, the lights will be shining into the renters windows. The safety and security concerns have been addressed with the 8 feet privacy fence; and it appears that the applicant is withdrawing the liquor license request.

Tim Fitzgerald asked what she would like to see in that area if not a convenience store.

Donna Grange stated a park would be nice and if there was a school there that would be okay.

Rebuttal

Kolby Jones stated the detention pond already exists. Lighting levels at the property line will be zero. Therefore, there would not be lights shining in people windows.

Tim Fitzgerald asked why the canopies cannot be lowered.

Kolby Jones encouraged the Commission to go see their SE 14th store at night. Also, the reason why they are asking for taller than normal canopies is because of the grade changes.

CHAIRPERSON CLOSED THE PUBLIC HEARING

JoAnne Corigliano stated that the applicant does not need a taller sign because this property is not by a highway. Therefore, she would like to see the height lowered to comply with code.

CJ Stephens asked staff about the way the agreement is handled to pull the liquor license from the applicant's request.

Mike Ludwig stated that staff recommended that it be a condition on the PUD. Therefore, it would be a zoning restriction on liquor sales. If they wanted to change that in a year from now they would be back in front of the Plan & Zoning Commission and Council for a zoning amendment.

Shirley Daniels asked about the height of the sign, due to the grade being an issue, is that going to be a problem for the applicant to put the canopy in.

Sara Bowers with Olson & Associates stated yes it would be a little difficult if they did 18" on one side and if still possible to go 19" on that grade drop. She asked could they compromise and just have the sign not higher than code where it would actually be leveled and not bump out above the canopy.

JoAnne Corigliano stated that it would probably look better if all of the signs were lowered. She would be in agreement with that compromise.

COMMISSION ACTION:

JoAnne Corigliano moved staff recommendation Part A) to find the requested rezoning not in conformance with the existing Des Moines' 2020 Community Character Plan; Part B) to approve the proposed amendment to the Des Moines' 2020 Community Character Plan Future Land Use Map; Part C) to approve the proposed rezoning to "PUD" Planned Unit Development District. Part D) to approve the proposed Conceptual Plan, subject to the following modifications:

- 1) Provision of a cross-access easement for the property to the north.
- 2) Provision of a pedestrian route from the store to the SW 9th Street sidewalk along the north perimeter of the site. This should be accomplished by reducing the width of the north drive aisle or other means that minimize impacts on the north perimeter landscaping.
- 3) Provision of notes on the Conceptual Plan that indicated the dimension and area of the proposed building and canopy signage. The canopy, inclusive of oval signs, shall have a maximum height of 19'6".
- 4) Fuel canopy columns shall be wrapped with masonry material that matches the primary building.
- 5) Prohibition of a Class E liquor license at the subject property.
- 6) Provision of the following notes on the Conceptual Plan:
 - a. Any sale of wine and/or beer shall be accessory to a gas station/convenience store, where no more than 40% of the business' gross revenue is derived from the sale of tobacco products, alcoholic liquor, wine, and/or beer.
 - b. Any sale of wine and/or beer shall be in accordance with the proper license obtained through the Office of the City Clerk as approved by the City Council.
 - c. Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times.

- d. The business shall comply with article IV of chapter 42 of this Code pertaining to noise control.
- e. No sale of alcoholic beverages shall be made from a drive-through window.
- f. Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
- g. The PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of alcoholic liquor if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.

Motion passed 8-2. (CJ Stephens and Dann Flaherty voted in opposition)

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

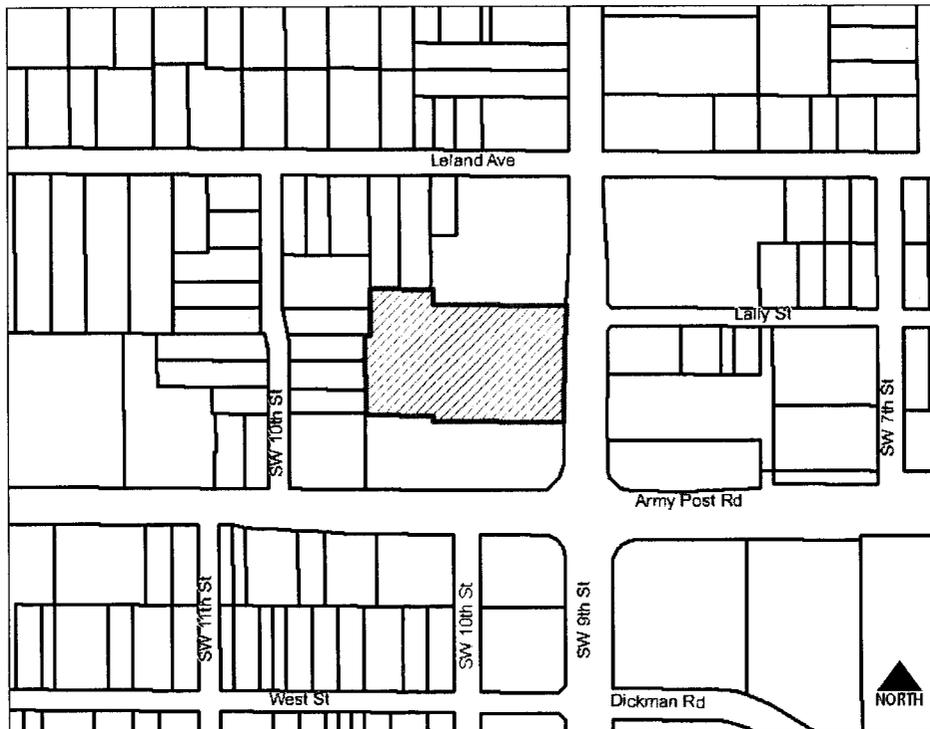
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Attachment

Request from Kum & Go, LC (purchaser) represented by Nick Halfhill (officer) to rezone property located at 6304 Southwest 9 th Street. The subject property is owned by 4G Properties, LLC.		File #			
		ZON2012-00089			
Description of Action	Review and approval to rezone from "C-2" General Retail and Highway Oriented Commercial District and "R1-60" One-Family Low Density Residential District to "PUD" Planned Unit Development and Approval of a PUD Conceptual Plan for "KUM & GO Store #120" on a two (2) acre site for development of a gas station having 20 fueling locations and a 4,958-square foot convenience store including use for sales of alcoholic liquor, wine, and beer.				
2020 Community Character Plan	Low-Density Residential				
Horizon 2035 Transportation Plan	SW 9 th Street from the Raccoon River to Army Post Road to widen from 4 lanes undivided to 5 lanes undivided				
Current Zoning District	"R1-60" One-Family Low Density Residential District and "C-2" General Retail and Highway Oriented Commercial District				
Proposed Zoning District	"PUD" Planned Unit Development District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	2	2			
Outside Area					
Plan and Zoning Commission Action	Approval	8-2	Required 6/7 Vote of the City Council	Yes	X
	Denial			No	

Kum N Go - 6304 SW 9th Street

ZON2012-00089



Item ZON2012-00089

Date 6-14-12

16

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

OWNS 904
Army Post
Road

Print Name HPM Investment Inc

Signature 

Address P.O. Box 187

Arkens, IA 50021
Reason for opposing or approving this request may be listed below:

Grant opportunity for long term redevelopment
in the corner of 2nd & Euclid should development
ever be pursued. Safety on 2nd would be
impaired based on little to no visibility coming out
of the alley.

Item ZON2012-00089

Date 6-19-12

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT
JUN 21 2012
DEPARTMENT

Print Name Robert & Donna Grange

Signature Donna Grange

Address 1618 Payton Ave
owners; 6301 SW 10th.

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

Increased noise, trash, traffic
Safety & Security concerns - request 8' fence
Water retention pond overflow & mosquitoes
Decrease in property values
Possible loss of rents due to these concerns by renter.

Item ZON2012-00089

Date 6-13-12

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



(Circle One)

Print Name Fred D. Spuzella

RECEIVED
COMMUNITY DEVELOPMENT

Signature Fred Spuzella

Address Home 216 158th St WDM IA
RW 1020 APRD DSH IA

JUN 13 2012

Bus. 1080 APRD DSH IA

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

DEPARTMENT

Item ZON2012-00089

Date 6-14-12

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



(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

Print Name Tim Pherrigo Ft. Des Moines United Methodist Church

Signature Tim Pherrigo

JUN 13 2012

Address 6705 SW 9th Des Moines

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

DEPARTMENT

increase in trash blowing around
increase in traffic congestion
no need of additional gas station in area
do not need additional beer sales in area



Kum & Go, L.C. – Real Estate Department
6400 Westown Parkway, West Des Moines, IA 50266

**Neighborhood Meeting Notice
Rezoning Application
Kum & Go Convenience Store**

Date: June 5, 2012

Dear Property Owner:

This notice is intended to notify you that on **June 11, 2012 at 6:00 p.m.** a neighborhood meeting will be held in the **Bordenaro's Pizza & Pasta 6108 Southwest 9th Street, Des Moines, Iowa 50315** to present and discuss the Rezoning application for a proposed Kum & Go convenience store on a property in your neighborhood. The neighborhood meeting is being held to notify you of Kum & Go's plans in advance of the City's Plan and Zoning Commission voting on the Rezoning approval. As a part of the process, you should also be notified by the City of the Rezoning Application.

The proposed site for the project is located at the northwest corner of the intersection of SW 9th Street and Army Post Road; aka **6304 SW 9th Street, Des Moines, Iowa 50315**. The property is legally described as Parcel "A" as shown on the Plat of Survey recorded in Book 14052 at Page 229 of Lots 1, 2, 21, & 22 in Langdon Place, an Official Plat, now in and forming a part of the City of Des Moines, Polk County, Iowa. The Rezoning application proposes: a convenience store on 2.00 acres with ten (10) fuel islands; a 5,280 square feet fuel island canopy; and a 4,958 square feet retail building. The business will include convenience foods in addition to the fuel dispensers.

As a part of the Rezoning process, the City will complete an internal review of the submittal and provide comments and conditions to the members of Plan and Zoning Commission.

Plan and Zoning Commission

The Plan and Zoning Commission will be held on **June 21, 2012** to vote on the Rezoning Application. Upon favorable recommendation by the Plan and Zoning Commission, the City Council will vote to approve on **June 25, 2012**. A notice of this meeting will be mailed to you by the City along with a consent card for your feedback.

The list of affected property owners being notified for this project, within 250' of the property, is supplied by the City of Des Moines.

If you have any questions regarding the proposed project, please contact Kolby Jones at (813) 205-6952. If you have questions regarding the City process, please contact the City's Community Development Department at (515) 283-4192.

Sincerely,

Kolby Jones
Kum & Go, LC



Whitfield, Cathy <clwhitfield@dmgov.org>

Fwd: Kum and Go on SW 9th & Army Post Rd

Moffatt, Ryan <rlmoffatt@dmgov.org>
 To: Cathy Whitfield <clwhitfield@dmgov.org>

Fri, Jun 29, 2012 at 2:30 PM

Cathy, below is the email communication that a neighbor has submitted and wants to get before the City Council. This is on the proposed Kum & Go store on SW 9th Street, that is being rezoned to a PUD.

Let me know if anything else will be needed to get this into the roll call packet for council.

Ryan Moffatt, AICP

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On Mon, Jun 25, 2012 at 8:51 PM, Tammy GREEN <immom281@msn.com> wrote:

Ryan,

Thanks for calling me back today. I have talked with Colby (Kolby?) the person representing Kum and Go today also. I told him what my concerns were and he advised me that I would have to work my concerns out with the city. He did mention an "easement" but I am not sure what that all means....

I do not know where to start and I am hoping that you can point me in the right direction. According to Colby I have 8-9 neighbors that wanted the fence (I intend to visit with my neighbors) I only count 7 neighbors that would be affected by the fence, whether it is good or bad.

Of those neighbors this is what I see:

1 (next to the car lot)- already has a partial fence put in by Hardees, I am sure that Bonnie is fine with it.

1 (north of the property above) - would probably not fight it, but I believe that Curly was under the impression the fence would be east of the water basin. (I will talk to him)

1 (north of the person above, does not live in that house) - is a rental property and she is not affected by this as she does not have to live with it. She has not been a good "neighbor" with

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the people that she has put in "my" neighborhood and does not want to hear anything when you notify her.

1 (north of rental property) - is my direct neighbor, he is not in favor of a fence right up by his back fence..again he was under the impression that the fence would be east of the water basin. (I have talked to Gene & Ruth)

1 (me) - I am not in favor of a fence at all but could live with it if it were placed in a way that I can still use my gate on the east of my property as I have for 19 years. I like to maintain my fence line, cut away "volunteer" trees, weeds, etc. This will not be possible if there is an 8 foot high fence 1 foot from mine. I couldn't even bend down between them to maintain what is mine and my responsibility. I also placed the gate there 19 years ago so that I could go through the "field" which will soon become a convenience store and Hardees. I use both of those businesses and would like the access to that side as I have in the past.

Then we go to Leland, and the 2 properties that are affected by this.

1 - (adjoins part of my back yard north/east of me) - This is a rental property, the fence that exist at that property is old wire, full of "junk" trees and they have never maintained the fence line. Again the owner of the property would not directly be affected by the fence or lack of one as he does not live there.

1 (east of the above property) - They already have 8 ft or better fencing on the west side of their property, they also have a very high chainlink across the south side of their property because their German Sheperds use to be escape artist and mean dogs. Good neighbors, keep their things up well..they gain because they have never accessed the "field" and the fence is an asset to them.

Of those listed above I am the only one that has a gate and had purposely put it there and use it. I know you cannot solve anything for me, just want someone to know where I am coming from.

Can you point my email and me into the right direction? I don't want a war or fight, just want to be heard and try to make this so that everyone can live with it.

Thank you very much Ryan, you have always been courteous to me and given me answers to questions when I ask them. Thanks for taking the time to read this, I look forward to hearing from you.

Have a great day,

Tammy Green
6217 SW 10th St