



Date April 22, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on April 4, 2013, its members voted 10-1-1 in support of a motion to recommend **APPROVAL** of a request from Hy-Vee, Inc. (lessee) represented by John Brehm (officer) to amend the Southgate C-4 Development Plan to allow a gas station/convenience store use at the northwest corner of the site for property located at 3221 Southeast 14<sup>th</sup> Street subject to the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Administrator.
2. Extension of the proposed fueling area median to eliminate the western-most access point near the SE 14<sup>th</sup> Street drive approach.
3. The "C-4" Development Plan and the Site Plan shall be updated to reflect the parking calculations identified in the staff report.
4. Compliance with the minimum open space requirement by the installation of additional parking lot islands along the western north/south drive aisle as approved by the Planning Director.
5. Relocation of the proposed ice chest and propane exchange unit to the area east of the convenience store building.
6. Provision of transom windows on the west and north facades that utilize clear or lightly tinted glass as approved by the Planning Administrator.
7. Provision of a note on the Building Elevations and Site Plan that states all rooftop mechanical equipment shall be screened from street view.
8. All utility meters shall be located on the east side of the convenience store building.
9. Fuel canopy columns shall be completely wrapped with masonry material that matches the primary building.
10. Identification of any proposed areas for outdoor display of seasonal merchandise.
11. Provision of a Site Plan note that states any free-standing sign shall be a monument type.
12. Provision of a Site Plan note that states "all lighting installed under the fuel canopy shall be recessed or flush-mounted with the canopy ceiling to prevent light spillover to adjoining properties.



Date April 22, 2013

The subject property is more specifically described as follows:

SOUTHGATE SHOPPING CENTER LOT 1; LOT 2 (EXCEPT THE NORTH 195.00 FEET OF THE EAST 131.40 FEET THEREOF); THE NORTH 330.00 FEET OF LOT 16; LOT 17; AND LOT 18 ALL IN THE OFFICIAL PLAT OF THE NORTHWEST QUARTER OF SECTION TWENTY-THREE (23), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24) WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA; EXCEPT THE FOLLOWING:

THE NORTH 330.00 FEET OF THE EAST 215.00 FEET OF LOT 16, AND THE SOUTH 70.00 FEET OF THE EAST 375.00 FEET OF LOT 16 EXCEPT THE EAST 215 FEET THEREOF, OF THE OFFICIAL PLAT OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 78, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA.

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 C-4 Plan amendment is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on May 6, 2013, 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

(ZON2013-00035)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL. Includes MOTION CARRIED and APPROVED indicators.

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

Revised April 22, 2013

April 15, 2013

Date April 22, 2013

Agenda Item 23

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 April 4, 2013, the following action was taken regarding a request from Hy-Vee, Inc. (lessee) represented by John Brehm (officer) to amend the Southgate C-4 Development Plan for property at 3221 Southeast 14<sup>th</sup> Street.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 11-0-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
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
Greg Wattier				X

**APPROVAL** of Part A) to find the proposed rezoning is in conformance with the Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 10-1-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles	X			
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			



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
Christine Pardee	X			
Mike Simonson				X
CJ Stephens	X			
Vicki Stogdill				X
Greg Wattier				X

**APPROVAL** of Part B & C) to approve the proposed amendment to the Southgate "C-4" Development Plan and the submitted Site Plan subject to the following conditions:  
(ZON2013-00035 & 10-2013-7.89)

1. Compliance with all administrative review comments by the Permit and Development Administrator.
2. Extension of the proposed fueling area median to eliminate the western most access point near the SE 14<sup>th</sup> Street drive approach.
3. The "C-4" Development Plan and the Site Plan shall be updated to reflect the parking calculations identified in the staff report.
4. Compliance with the minimum open space requirement by the installation of additional parking lot islands along the western north/south drive aisle as approved by the Planning Director.
5. Relocation of the proposed ice chest and propane exchange unit to the area east of the convenience store building.
6. Provision of transom windows on the west and north facades that utilize clear or lightly tinted glass as approved by the Planning Administrator.
7. Provision of a note on the Building Elevations and Site Plan that states all rooftop mechanical equipment shall be screened from street view.
8. All utility meters shall be located on the east side of the convenience store building.
9. Fuel canopy columns shall be completely wrapped with masonry material that matches the primary building.
10. Identification of any proposed areas for outdoor display of seasonal merchandise.
11. Provision of a Site Plan note that states any free standing sign shall be a monument type.
12. Provision of a Site Plan note that states "all lighting installed under the fuel canopy shall be recessed or flush-mounted with the canopy ceiling to prevent light spillover to adjoining properties."

### **STAFF RECOMMENDATION TO THE P&Z COMMISSION**

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

Part B & C) Staff recommends approval of the proposed amendment to the Southgate "C-4" Development Plan and the submitted Site Plan subject to the following conditions:

1. Compliance with all administrative review comments by the Permit and Development Administrator.
2. Extension of the proposed fueling area median to eliminate the western most access point near the SE 14<sup>th</sup> Street drive approach.
3. The "C-4" Development Plan and the Site Plan shall be updated to reflect the parking calculations identified in the staff report.
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Written Responses

2 In Favor

0 In Opposition

**STAFF REPORT**

**I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to construct a convenience store with fuel sales on the southeast corner of the SE 14<sup>th</sup> Street and East Park Avenue intersection. This area currently consists of surface parking for the Southgate Shopping Center.

2. **Size of Site:** The entire site measures 16.37 acres. The c-store site measures 40,331 square feet or 0.93 acres.
3. **Existing Zoning (site):** "C-4" Shopping Center Commercial District.
4. **Existing Land Use (site):** Commercial strip center consisting of a Hy-Vee Foods Store anchor tenant with eight additional commercial bays. The site also contains a 2,600 free standing restaurant on a pad site along the SE 14<sup>th</sup> Street frontage.

**5. Adjacent Land Use and Zoning:**

**North** – "C-2" & "R1-60", Uses are commercial and single-family residential.

**South** – "C-2", "C-1" & "Southern Brooke Green PUD", Uses are commercial, multiple-family residential and single-family residential.

**East** – "R1-80" & "Southern Brooke Green PUD", Uses are single-family and multiple-family residential.

**West** – "C-2", Uses are commercial.

6. **General Neighborhood/Area Land Uses:** The subject site is located along the SE 14<sup>th</sup> Street commercial corridor at the East Park Avenue intersection. This area generally consists of highway oriented commercial development.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Pioneer Park Neighborhood Association and within 250 feet of the Indianola Hills, Ewing Woods-Evergreen and Watrous South Neighborhood Associations. These neighborhoods were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on March 15, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on March 15, 2013 (20 days prior) and March 25, 2013 (10 days prior to the scheduled hearing) to the Pioneer Park, Indianola Hills, Ewing Woods-Evergreen and Watrous South Neighborhood Associations and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. A Final Agenda was mailed to the neighborhood associations on March 25, 2013.

All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Pioneer Park Neighborhood Association notices were mailed to Carole Jones, 1603 Pioneer Rd, Des Moines, IA 50320. The Indianola Hills Neighborhood Association notices were mailed to Nancy Watson, 326 E. Broad St., Des Moines, IA 50315. The Ewing Woods-Evergreen notices were mailed to Lisa Treptow, 3600 SE 19th Street, Des Moines, IA 50320. The Watrous South Neighborhood Association mailings were sent to James Spiller, PO Box 35845, Des Moines, IA 50315.

8. **Relevant Zoning History:** N/A.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented, Small-Scale Strip Development.

**10. Applicable Regulations:** In accordance with Section 134-1052 the Commission shall review the conformity of the proposed development plan with the standards of the comprehensive plan, and with the recognized principles of civic design, land use planning, and landscape architecture. The commission may approve the plan as submitted or, before approval, may require that the applicant modify, alter, adjust, or amend the plan as the commission deems necessary to the end that it preserve the intent and purpose of this chapter to promote public health, safety, morals, and general welfare. The development plan as approved by the commission shall then be reported to the city council, whereupon the city council may approve or disapprove the plan as reported or may require such changes thereto as it deems necessary to effectuate the intent and purpose of this chapter. Section 134-1055 states that any proposed change, except minor changes as set forth in division 8 of article II of this chapter (Section 134-247), in the shopping center plan, after approval by the council, shall be resubmitted and considered in the same manner as the original proposal.

## **II. ADDITIONAL APPLICABLE INFORMATION**

- 1. 2020 Community Character Plan:** The 2020 Community Character Plan Future Land Use designation for the subject property is Commercial: Auto-Oriented, Small-Scale Strip Development. The following is the description of this designation as it appears on the Future Land Use Map.

*Commercial: Auto-Oriented*

*Commercial in which the site orientation is primarily focused on the needs and convenience of the motorist. In the future, developments will have a strong orientation to motorists with necessary accommodations on site for pedestrians.*

*Small-Scale Strip Development*

*Small-to-moderate commercial in a linear pattern that services the passing motorist. Individual buildings may be over 35,000 square feet with individual modules from 2,000 to 20,000 square feet.*

Staff believes the proposed amendment to the Southgate "C-4" Development Plan is in conformance with the Des Moines' 2020 Community Character Plan.

- 2. Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. The applicant is proposing stormwater detention basin to the north of the convenience store building that would control the release of storm water in the East Park Avenue storm sewer.
- 3. Street System & Access:** The convenience store would be located at the southeast corner of the SE 14<sup>th</sup> Street and East Park Avenue intersection. The existing western driveway along East Park Avenue and northern driveway along SE 14<sup>th</sup> Street would be maintained and utilized for direct access to the site from the street network. The applicant's engineer has prepared a trip generation and distribution analysis for the proposed convenience store. The City's Traffic and Transportation Division has reviewed the information and determined that the existing street system can support the proposed development.

The proposed circulation pattern within the site is generally appropriate. However, staff is concerned with the access point proposed near the SE 14<sup>th</sup> Street drive approach. The close proximity of this access point to the drive approach will likely cause some issues as vehicles waiting to exit onto SE 14th could block an entering vehicle from making the left turn into the convenience store site and then stop someone from turning off the street. Staff believes the proposed median should be extended west to eliminate this drive. It appears that fuel delivery trucks would be able to enter and exit the site from East Park Avenue.

4. **Parking:** The proposed 3,000-square foot convenience store requires 10 off-street parking spaces (1 per 300 sq. ft.). The existing buildings consist of a 2,600-square foot restaurant building and the 160,091-square foot strip commercial building. Seventeen spaces (1 per 150 sq. ft.) are required for the restaurant building and 800 spaces (1 per 200 sq. ft.) are required for the main building. The total required parking spaces for the site with the addition of the convenience store is 827 spaces. The proposed amendment shows a total of 1,008 spaces with 738 spaces located in the front lot and 270 spaces located in the rear lot. This site currently has a total of 1,063 parking spaces. The proposed amendment reduces the total number of spaces by 55. The proposed "C-4" Development Plan amendment exceeds the minimum required number of off-street parking spaces.
5. **Gas Station/C-Store 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 c-store site measures 0.93 acres and would contain 16 fueling locations. A minimum of 16,000 square feet of open space is required to meet this guideline. The submitted Site Plan shows that the c-store site would have a total of 10,783 square feet (26.7%) of open space, which does not comply with guideline "C". Staff believes this guideline should be addressed by installing additional parking islands along the western north/south drive aisle for the Southgate Shopping Center. Most of the Southgate parking lot is not landscaped. The applicant is not required to*



