★ R	oll Call Number
Date	May 6 2013

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Date 1914y 0, 2013

WHEREAS, on April 22, 2013, by Roll Call No. 13-0646, the City Council duly resolved that a public hearing to be held on May 6, 2013, at 5:00 p.m., in the Council Chambers at City Hall, 400 Robert D. Ray Drive in Des Moines, to consider a proposal from Hy-Vee, Inc. (lessee) represented by John Brehm (officer), to amend the approved 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 14th Street; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on April 25, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, at a public hearing on April 4, 2013, the Plan and Zoning Commission recommended by a vote of 10-1-1 that the proposed amendment to the approved Southgate C-4 Development Plan be approved, subject to the following conditions and subject to the development plan being first amended as set forth in the attached letter from the Planning Administrator:

- 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 14th 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.

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- 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.

WHEREAS, in accordance with the published notice those interested in the proposed amendment to the approved Southgate C-4 Development Plan, 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 amendments to the approved Southgate C-4 Development Plan for the property in the vicinity of 3221 Southeast 14th Street, and more specifically described below, are hereby overruled and the hearing is closed.

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:

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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.

- 2. The proposed amended Southgate C-4 Development Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified above.
- 3. The amended Southgate C-4 Development 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 to satisfy the conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by______ to adopt and to approve the proposed amendment to the Southgate C-4 Development Plan.

FORM APPROVED:

Michael F. Kelley Assistant City Attorney

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

April 15, 2013

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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 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 14th Street.

COMMISSION RECOMMENDATION:

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

Commission Action:	Voo	Nove	Pass	Absent
Commission Action:	Yes	Nays	F d 5 5	Anseill
Dory Briles	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Tim Fitzgerald			X	
Dann Flaherty	X			
John "Jack" Hilmes	X			
Ted Irvine	Χ			
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	Χ	•		
JoAnne Corigliano	Χ			
Shirley Daniels	X			
Jacqueline Easley	Χ			
Tim Fitzgerald			X	
Dann Flaherty		Χ		
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	Χ			



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 14th 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.

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 14th 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.

Written Responses

- 2 In Favor
- 0 In Opposition

STAFF REPORT

I. GENERAL INFORMATION

- 1. Purpose of Request: The proposed rezoning would bring the entire property under common zoning. Any future use or development on the property must be in accordance with a Site Plan as approved by the Permit and Development Center.
- 2. Size of Site: 15,370 square feet.
- 3. Existing Zoning (site): "R1-60" One-Family Low-Density Residential District.

- **4. Existing Land Use (site):** The subject property contains a paved parking lot area that is within 10 feet of the adjoining residentially zoned property to the north and from the commercially zoned property to the east. It is setback five feet from the property line along Southwest 12th Street.
- 5. Adjacent Land Use and Zoning:

North – "R1-60", Uses are single-family dwellings.

South – "C-2", Uses are a commercial building on the subject parcel with office, retail, and repair shop uses and Ft. Des Moines Church of the Open Bible.

East – Limited "C-2", Uses is undeveloped private open space supporting a site for an AutoZone automotive parts retail store.

West – "R-2" and "R1-60", Uses are single-family dwellings.

- 6. General Neighborhood/Area Land Uses: The subject property is located behind a commercial building that sits along the Army Post Road major commercial corridor and a low-density residential neighborhood. It is within a transition area between the corridor and the low density residential neighborhood to the north.
- 7. Applicable Recognized Neighborhood(s): The subject property is within the Watrous South Neighborhood. This neighborhood was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on February 1, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on February 1, 2013 (20 days prior) and February 11, 2013 (10 days prior to the scheduled hearing) to the Watrous South Neighborhood Association 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 February 15, 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 Watrous Neighborhood Association mailings were sent to James Spiller, PO Box 35845, Des Moines, IA 50315.

The applicant is required to hold a neighborhood meeting. The public hearing on the rezoning was deferred from the February 21, 2013 and March 7, 2013 agendas so that this neighborhood meeting could be held on March 21, 2013. The appellant will provide a summary of this meeting at the hearing.

- 8. Relevant Zoning History: N/A.
- 9. 2020 Community Character Land Use Plan Designation: Low Density Residential.
- 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, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Site Plan Requirement: Any future development upon the subject property would be subject to City's site plan requirements with regards to stormwater, paving material, landscaping, screening, etc. There is an approved Site Plan on file with the City. It was originally approved on January 13, 1982 and then amended to extend the paved parking area to the north on June 17, 1987. The Zoning Ordinance at that time allow for extension of paved parking areas up to 100 feet into adjoining residentially zoned property. The current approved site plan amendment has 10-foot paving setbacks from all residentially zoned properties with a six-foot screen fence. There were no minimum plant material requirements at the time of approval.
- 2. 2020 Community Character Plan: The proposed "C-2" District would not be consistent with the current Low Density Residential future land use designation. It would require amendment to a Commercial: Auto-Oriented, Small-Scale Strip Development land use designation, the same as the balance of the subject parcel along Army Post Road. The automotive parts store property to the east has a similar depth of property with Limited "C-2" zoning that allows only uses as permitted in the "R-2" District, as well as business and profession offices as permitted in the "C-2" District.

Staff believes the request to amend the existing future land use designation from Low Density Residential to Commercial: Auto-Oriented, Small-Scale Strip Development would be appropriate so long as permitted uses upon the property are limited to residential uses as permitted in the "R-2" District or commercial uses those as permitted in the "C-0" District, and accessory parking lots used for the temporary placement of operable motor vehicles as part of a permitted use in the adjoining "C-2". This would be similar with the limitations on property to the east

3. Landscaping/Screening: Given the close proximity of residential uses, any portion of property being rezoned should be brought into conformance with the City's current landscaping requirements. The City of Des Moines' Landscape Standards would require the following:

Perimeter Landscaping for 46 feet of frontage along Southwest 12th Street

- 7-foot paving setback (must remove about 2 feet of paving)
- Provide 1 overstory tree along SW 12th Street (1 per 50 lineal feet)
- Provide 3 shrubs along SW 12th Street (3 per 50 lineal feet)

Bufferyard Landscaping Requirements for 398 lineal feet of property line

- 10-foot wide paving setback (must remove 10 foot wide strip along west, north, and east)
- Provide 8 overstory trees (2 per 100 lineal feet)
- Provide 24 evergreen trees (6 per 100 lineal feet)
- 4. Zoning Enforcement: There is an active Zoning Enforcement case for the subject property initiated in 2010 that requires removing inoperable vehicles and portable accessory structures from the property and all vehicles parked within the 10-foot setbacks from adjoining residentially zoned property. The requested rezoning will not mitigate these violations.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

<u>David Bailie</u> 5820 Westown Parkway with Hy-Vee representing the applicant stated that they have been at this site since 1994 and is coming up on the end of their 20 year lease. This gave them the opportunity to approach their landlord with this plan for a convenience store at this location. The hours of operation would be 5:00 a.m. to 11:00 p.m. with a option of 24 hour pay at the pump if it is allowed by the City of Des Moines. They would offer the typical items that many of the other convenience stores offer. However, they will be offering something more. The fuel saver program is designed to reward their loyal customers. Therefore, the majority of the traffic stopping at our store will be the already existing traffic.

On March 21, 2013 they did hold a neighborhood meeting. They sent out 42 invitations and only 4 households were represented at the meeting. The concerns that were raised were the operation, condition and age of the grocery store. They agreed that the store is old and in need of remodeling. However, they pointed out that there has been some remodeling done to the store that the neighbors may have not been aware of, such as the customer service department. They added a postal substation, all new checkout lanes, new cash register system, new kitchen dining area, updated the lighting throughout the store, painted the interior walls on the sale floors, purchased 250 new carts and have added a dietitian to their staff. They also increased the fresh food offering and put a brand new roof on the store. They believe this demonstrates the intent of staying in this location and continue to invest in this property. They have updated the camera system and plan to install an underground cart containment system that will keep carts onsite. This request for a convenience store is a very important part of Hy-Vee. Subject to approval from the City of Des Moines remodeling of the grocery store would be scheduled for 2014.

Randy Downs with Hy-Vee Engineering Department 5820 Westown Parkway in West Des Moines went over the site plan. They worked with staff and agree to all of staff's recommendations. However, he would like to some clarification of condition #6 regarding the windows. Originally, at the site plan meeting staff told them that windows were required on street frontage. Asked if this requirement was an architectural guideline for a c-store or a requirement for tax abatement. He went on to explain the type of windows they are proposing that are double glass, sealed with argon gas, they paint the backside and then a drywall or plywood wall goes over that. Then the coolers are constructed along those windows inside the store.

Mike Ludwig explained that is a fax abatement standard for the windows to be on the street side and the additional information proposed at this meeting will be taken into consideration.

Will Page asked if Hy-Vee is proposing to implement only one sign as shown on the south building elevation and not on the north, west, or east elevations.

Randy Downs stated they have a new layout that they have worked on with their sign vendor and operation team and their understanding through staff that the signage is a separate permit process. If allowable by code they would like to put a fuel pricing sign on the west end of the north building elevation.

Mike Ludwig explained that the signage is through a separate permit process. They earn signage based on their frontage along a public street and they have two street frontages. He believes they would be able to have a fuel signage on the north.

Will Page asked what about signage on the east and the west. The reason he asked is that lately the Commission has seen requests for signs on every square inch of the property.

Randy Downs stated nothing is proposed at this time.

CHAIRPERSON OPENED THE PUBLIC HEARING

The following spoke in opposition of the applicant's request

Carole Jones 1603 Pioneer Road, Pioneer Park President stated she did not know whether or not to get up to speak in favor or in opposition of the applicant's request because Pioneer Park have tried very hard to support the businesses in the area whether they are expanding, renovating or a new business moving in. The SE 14th corridor is in need of these type of things very badly so they are always very excited when they hear a businesses want to expand. However there are some concerns with the overall maintenance of the Hy-Vee grocery store. The condition of the parking lot, it needs to be resurfaced and restriped and is always full of litter and there are carts everywhere. The can and bottle redemption area is filthy and it smells. She has spoken to many of their members and members of surrounding neighborhood associations and the consensus was they believe that this project is a good idea. However they are concerned with the traffic and Park Avenue and SE 14th Street is already a busy intersection. The traffic on Park Avenue backs up now. If this expansion is added plus the CVS store that is going up across the street what will this do to traffic. The southbound access to the driveway access on SE 14th Street will not work, it does not work now. People will pull out and block two lanes of traffic. She would like a traffic study done. Another concern is what will happen with the mature trees that are in the area of the new store and gas pumps. This question was asked at the neighborhood meeting but they felt they did not get a clear answer. The overall concern is if this store will be properly maintained versus the way they have kept their grocery store.

<u>Christine Pardee</u> stated that there have been a lot of improvements in this store. She does agree with the concerns about the parking lot which sometimes is very scary. She asked if the neighborhood association has taken a formal position on this project and whether or not the neighborhood association sent any form of communication to Hy-Vee management to address their concerns with the upkeep of the property.

<u>Carole Jones</u> stated the neighborhood association wants to support this project and they have not sent any form of communication to Hy-Vee management to address their concerns. A while back she talked to the general manager. However she found out this week that there is a new general manager which could sometimes make all the difference. They hope that this will be a great improvement for an area that needs improvement and want to support it and also have their concerns heard.

Jim Bollard 4007 SE 26th Street, Easter Lake Area Neighborhood Association stated they have not had a meeting so he is not representing the neighborhood association. The Easter Lake Area Neighborhood Association was not invited to the meeting that was held even though the border is along Evergreen the north edge of this proposal. He has a

couple of concerns, one being the signage relative to monument signage that looks nice. He is concerned about general maintenance. Going in the south door is very smelly. The traffic is a large concern at this intersection. It is one of the 10 worst accident intersection in the city. He would have liked to hear a possibility of putting in an extra turn lane, which he believes would keep the accidents down. He would like them to consider putting a sidewalk on the south side of Park Avenue.

<u>Debbie Jorgenson</u> 5500 SE 1st Court stated she has concern about the fuel trucks that are supposed to be entering and exiting on Park Avenue. She believes this is not possible. She also believes that sidewalks should be required on the south side of Park Avenue.

<u>Tim Fitzgerald</u> stated he had recused himself from consideration of this item as a P&Z Commissioner and was speaking as a neighborhood leader. He noted that while sidewalks are going in on the north side of Park Avenue going east and west, he would like for the conditions be amended to include a sidewalk on the south side of Park Avenue. There is a school just a block to the west and an apartment complex behind the store where children will use that side of the street. He believes that a sidewalk is very important and asked that Hy-Vee consider putting a sidewalk on the south side of Park Avenue.

Dann Flaherty asked if a traffic study been done in this area.

Jason Van Essen stated the applicant did submit a trip generation model that was reviewed by the Traffic and Transportation Division. The Traffic and Transportation Division indicated that a City constructed sidewalk is planned for the north side of East Park Avenue. A sidewalk along the south side of the street is not planned given the narrow width of the right-of-way. A consideration may be when Hy-Vee remodels the grocery store and the major part of the site that they have a sidewalk connection within the site.

Dann Flaherty asked if Mr. Fitzgerald also has a concern with the traffic situation.

<u>Tim Fitzgerald</u> stated yes, he still believes that something could be done in order to have the traffic flow better on Park Avenue. He also believes that the mature trees would not have to be removed but have the sidewalk go around them as in other areas that he has seen.

Dann Flaherty stated SE 14th is also a concern.

<u>Tim Fitzgerald</u> suggested that the City Engineer time the lights at this intersection during rush hour in order to understand their concern with safety in this area.

CJ Stephens stated she supports the staff in regards to installing sidewalk within the Hy-Vee property when the grocery store is remodeled. The mature trees along the south side of Park Avenue appear healthy and it would not be a good idea to remove them. She suggested that the neighborhood association work with Hy-Vee to put the sidewalk inside the Hy-Vee property versus taking out mature trees.

Rebuttal

Randy Downs stated they looked at the fuel truck and traffic concerns which is why they were reluctant in agreeing to the condition to close the access to the SE 14th Street

driveway. In regards to the invitation to the neighborhood association meeting it was recommended but not required to invite the other three neighborhood associations because this is an existing commercial use. They apologize that they did not invite the other neighborhoods but it was also confusing as to the charter versus designation.

<u>Dann Flaherty</u> asked if there were any considerations to moving the c-store more to the center of the shopping center to avoid all of the problems that is going to be raised on Park and SF 14th Street.

Randy Downs pointed out that Hy-Vee have lease requirements only in certain areas. The landlord is working on getting another business in the area towards the center.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Mike Ludwig drew the Commission's attention to the staff report that the applicant's engineer did prepare 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. On the site plan he believes that the applicant is not changing any of the existing access point to the commercial center. This allows them to utilize the existing driveways. He pointed out that Park Avenue is not the only access to the site. There are there is at least one on SE 14th Street and one on the south from Indianola Avenue. Traffic and Transportation concern was to not have cars entering the site from SE 14th trying to make an immediate left into the c-store site as it could cause backups onto SE 14th Street. In regards to the sidewalk staff pointed out that staff recommendation noted that there is a sidewalk planned for the north side of East Park Avenue. There are no plans for a sidewalk for the south side because of the narrow width of the right-of-way.

<u>JoAnne Corigliano</u> asked staff if there was any thought to restricting access from SE 14th Street to only northbound traffic.

<u>Jason Van Essen</u> suggested that staff share the traffic concerns they have heard tonight with the Traffic and Transportation Division.

<u>Dann Flaherty</u> is concerned by putting in 16 pump station there. It will be an increase in activity and increase with traffic. He will not support this request for the reason of human life.

COMMISSION ACTION:

<u>Ted Irvine</u> moved Part A) to find the requested amendment to the C-4 Concept Plan in conformance with the Des Moines' 2020 Community Character Plan.

Motion passed 11-0-1 (Tim Fitzgerald abstained)

<u>Ted Irvine</u> moved staff recommendation 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:

1. Compliance with all administrative review comments by the Permit and Development Administrator.

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- 2. Extension of the proposed fueling area median to eliminate the western most access point near the SE 14th 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.

Motion passed 10-1-1 (Dann Flaherty voted in opposition and Tim Fitzgerald abstained).

Respectfully submitted,

Michael Ludwig, AICP Planning Administrator

MGL:clw

Attachment



March 28th, 2013

Jason Mathes Shive Hattery, Inc. 1601 48th Street, Suite 200 West Des Moines, IA 50266

RF:

3215 SE 14th Street, Hy-Vee Convenience Store

10-13-7.89

Dear Jason:

We have reviewed the first (1st) submittal of the site plan for the Hy-Vee Convenience Store SE 14th Street, located at 3215 SE 14th Street in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

Engineering

- 1. Show and identify the roof drainage outlet locations on the proposed building.
- 2. Show the size of the existing public sanitary sewer in E. Park Avenue.
- 3. Show and properly locate the existing public storm sewer easement at the north end of the site.
- 4. The proposed HDPE storm sewer pipe material from the canopy to the proposed area intake as well as from under the sidewalk will most likely not meet Plumbing Code. These pipes do not have to meet Plumbing Code if they can outlet to daylight in the basin since this would not be a direct connection to our public storm sewer system.
- 5. The 15-inch RCP storm sewer exiting the proposed area intake seems to be a bit oversized.
- 6. The certification statement on the storm water management plan must be signed and dated.
- 7. Reference the orifice plate detail from Sheet C5.01 on Sheet C3.01 by the INT1.1 flag note.

- 8. Detail 8/C5.02 appears to be mislabeled "OPEN-SIDED AREA INTAKE".
- 9. Apply for a Grading Permit and pay the applicable fee in conformance with Code. Be sure to include a detailed approximate construction time schedule on the plans.

Traffic

10. The configuration of the curbed islands, one ways and entrance into the proposed store at the SE 14th Street driveway may result in some circulation problems. A vehicle or two waiting to existing onto SE 14th Street could block an entering vehicle from making the left turn into the store site and then stop someone from turning off the street. One option might be to close that entrance to the store by extending the curb/island west or some reconfiguration of that area to improve circulation.

Planning

- 11.A project address of 3215 SE 14th Street has been assigned to this project. Show the project address on the site plan (ensure that all sheets with an address shown are corrected).
- 12. Add the "E" (east) prefix to the Park Avenue street name shown on the plan, as this portion of street is officially named E. Park Avenue.
- 13. The layout and landscape plans can be difficult to read with the gray scale existing site conditions layer shown. Is it possible to remove or change the scale or line weight of the existing conditions to make the plan less confusing?
- 14. Show the zoning of surrounding properties on the site plan or vicinity map.
- 15. Reference C-4 Development Plan amendment number ZON2013-00035 on the site plan.
- 16. Show site boundary dimensions on the site plan.
- 17. Note the minimum required building setbacks on the site plan.
- 18. Note the total building height on the site plan.
- 19. Dimension the proposed building and fuel canopy on the site plan. Show the sq. ft. of the proposed structure on the Sheet C1.01.
- 20. Dimension the proposed parking lot paving setback from SE 14th Street on the site plan.
- 21. Will an additional pole or monument sign be added to the site as a result of this development? A location of ground-mounted or pole sign was not found on the site plan.

- 22. The proposed fuel canopy appears to exceed the maximum height guideline listed in the Convenience Store Design Guidelines by 1' 6". Waiver of this guideline may be requested to the Plan and Zoning Commission.
- 23. Brick-wrap the entire length of the canopy pole.
- 24. It is noted that the applicant intends to seek a waiver of the required open space design guideline. Based on the number of fueling locations provided, a total of 16,000 sq. ft. of open space should be provided. Your calculations show a total of 10,783 sq. ft. for a deficiency of 5,217 sq. ft.
- 25. Indicate seasonal or outside merchandise and display areas on the site plan.
- 26. No additional light pole fixtures were indicated on the site plan, but if new pole light fixtures are proposed, show the location on the site plan. Provide a product cut-sheet detail on the site plan, and indicate the height of the pole. The fixtures shall not be taller than 20 ft. (including base).
- 27. Identify the existing trees (generic species and caliper size) on site that are to be counted towards fulfilling the landscape standards.
- 28. Add additional shrub plantings around the north and east sides of the trash enclosure.
- 29. Add one additional overstory tree to the turf grass area NE of the building.
- 30. Move the detail sheets showing protective fencing and tree protection during construction measures to the demo plan. This is the sheet where it may be most applicable to contractors in the field.
- 31. Add the following notes to the site plan:
 - All lighting installed under the fuel canopies shall be recessed or flush-mounted with the canopy ceiling to prevent light spillover to adjoining properties.
 - Any new rooftop mechanical equipment must be screened from street level view.
- 32.All new exterior signs are reviewed separately and must be approved with Zoning Enforcement (237-1412) before sign permits can be issued. This note is for your information only and requires no formal addressing on the future submittal.
- 33. The final copy of the landscape plan will need to be signed and dated by an architect, landscape architect, or certified nurseryman. The final copy of the site plan must have the preparer's certification statement signed and dated.
- 34. Will commercial tax abatement be sought on this project? If so, the applicant should complete the Tax Abatement Intent and Acknowledgement Form found at the following link, so that staff can review the project against the applicable design standards: http://www.dmgov.org/Departments/CommunityDevelopment/PDF/Commercial%20Tax%20Abatement%20Acknowledgment%20Letter.pdf

- 35.A reminder that all new water services 2 inches in diameter or larger require SEPARATE submittals for review by the Des Moines Water Works Engineering Department.
- 36. Provide the following note on the site plan pertaining to Plan and Zoning Commission review: "Site plan approved by the Plan and Zoning Commission on April ____ (fill in the applicable date), 2013, and in conformance with Convenience Store Design Guidelines".
- 37. Ensure that the photometric lighting plan is included with the final (mylar) copy of the site plan. The photometric plan appears to satisfy the design guidelines for convenience stores.

Please submit three (3) review copies of the revised plan satisfying the above listed items. Failure to resubmit such amended plan within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact Ryan Moffatt @ 283-4975 or email him @ rlmoffatt@dmgov.org.

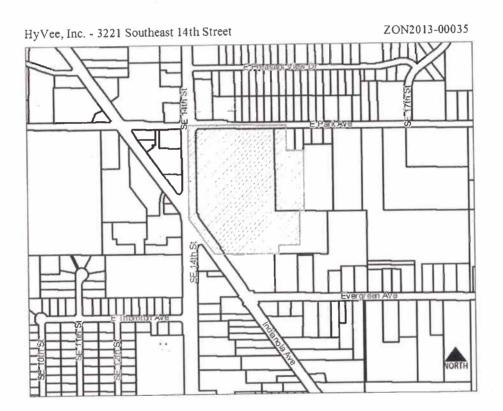
Sincerely,

Phil Delafield

Permit & Development Administrator

47

Request from Hy-Vee, Inc. (lessee) represented by John Brehm (officer) to amend the File# Southgate C-4 Development Plan on property located at 3221 Southeast 14th Street. ZON2013-00035 Approval of an amendment to the Southgate C-4 Development Plan to allow a gas Description station/convenience store use at the northwest corner of the site subject to conditions. of Action Commercial: Auto-Oriented Small-Scale Strip Development (current & no 2020 Community change proposed) **Character Plan** No Planned Improvements Horizon 2035 Transportation Plan "C-4" Shopping Center Commercial District **Current Zoning District** "C-4" Shopping Center Commercial District **Proposed Zoning District** Undetermined % Opposition **Consent Card Responses** In Favor Not In Favor 2 Inside Area Outside Area N/A Required 6/7 Vote of Yes 10-1-1 Plan and Zoning Approval the City Council **Commission Action** No Denial



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	ZON2013-00035 Date 4/2/2013
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JoAnne Corigliano <joc2611@gmail.com>

Fwd: HY-VEE PROPOSED EXPANSION, SE 14TH & PARK

1 message

mrwhite@q.com <mrwhite@q.com>

Mon, Apr 1, 2013 at 3:10 PM

From: "Nancy Watson" <watson.nancy@yahoo.com>

To: mrwhite@q.com

Sent: Monday, April 1, 2013 2:40:22 PM

Subject: Re: HY-VEE PROPOSED EXPANSION, SE 14TH & PARK

Please go ahead and send this out

From: cjones1578@hotmail.com

To: dehelm@msn.com; jbollard2@mchsi.com; jspost@mchsi.com;

president.spna@gmail.com; melpins69@msn.com; queenshakenbake@gmail.com

CC: loffredo.aubrey@principal.com; ponyexpress5@mchsi.com;

pioneerpark@yahoo.com; badrost@dmgov.org

Subject: HY-VEE PROPOSED EXPANSION, SE 14TH & PARK

Date: Sat, 30 Mar 2013 12:53:33 -0500

Neighborhood Presidents,

Last week Pioneer Park Neighborhood Association was invited to a presentation given by Hy-Vee Vice-President, David Bailie to show a proposed convenience store and 16 gas pumps on the NW corner of South Gate Shopping Center. I sent an email after this meeting to several of you and I appreciate the feedback that was received. This expansion goes before the Planning and Zoning Board on April 4th @ 6pm. This project does not require rezoning as it is already zoned C-4, but will need to have the site plan approved by the city.

PPNA has maintained a position of working with businesses to help build, or in some cases rebuild, the SE 14th Street Corridor and that is true of this project also. We believe that any time we can support or encourage new business along this main artery of the city will be beneficial to all of our neighborhoods. Having said that, we believe this is an excellent opportunity to let Hy-Vee and the property owners know about our concerns. This Hy-Vee is scheduled to have a remodel start in the Fall of 2014 and will take several months to complete. The C-store and gas station

construction will start as soon as the city approves the site plan.

Our concerns are as follows:

Hy-Vee Store:

1. Lack of cleanliness in all areas of the store

2. Can & Bottle Redemption area is filthy and smells

- 3. Shopping carts are all over the surrounding area & not picked up on regular basis
- 4. Semi's (not delivering to Hy-Vee) are allowed to park over the weekend bothers neighbors.

5. Lack of security in parking lot - most cameras do not work

6. Lighting bothers neighbors across Park Ave

7. Traffic congestion already at this intersection (CVS going in this Fall at same intersection)

8. Hy-Vee still plans on having lawn & garden area in summer - will there be a lack of parking spaces?

9. What will happen to mature trees that are in the area of new store & gas pumps?

Concerns about shopping center overall:

- 1. Owners are based in New York and do not invest in upkeep, security or maintenace of property
- 2. Old restaurant needs to be demolished
- 3. Parking lot needs to be resurfaced and relined

Again, we are not opposed to this expansion, but we do feel that we all deserve to have a clean, safe store to shop at and there is much room for improvement at this location. What I have been told is that it would be very helpful if some of the other neighborhood leaders would either attend this P & Z meeting on April 4th or send a letter to Bert Drost at badrost@dmgov.org . Hy-Vee didn't give us much notice, so unfortunately this needs to be done in the next couple of days.

PPNA will appreciate your support.

Thank You,

Carole Jones
PPNA President



Brost, Bert < badrosi@dmyov.org>

HyVee Proposed Expansion

1 massage

rajandlij@aol.com <rajandlij@aol.com>
To: badrost@dmgov.org

Wed, Apr 3, 2013 at 2:06 PM

Mr. Drost:

We are members of the Indianola Hills Neighborhood Association and are in receipt of an e-mail concerning the possible building of a new HyVee convenience store with gas station at SE 14th & Park. We would like to share our concerns about that project.

Our primary concern is the traffic congestion at SE 14th and Park. It is already very difficult to exit from HyVee onto Park, and with the opening of the CV5 store this fall, one can only assume that the congestion will be greatly increased.

We also question the desirability of yet another convenience store/gas station in the area. In the approximately 1 1/2 mile stretch from Southridge Mall to Park Avenue, we counted 8 convenience store/gas stations.* Soon there will be as many of this type of store as there are used car lots on SE 14th Street.

We also share many of the other concerns expressed in the e-mail that we received with regard to the HyVee store and the shopping center. Of particular concern is the lack of cleanliness in both the store and the can and bottle redemption area and the condition of the parking lot. Hopefully someone has shared this information with the management of HyVee. The cleanliness of the can and bottle redemption area will become an even bigger problem if the proposed bill allowing redemption of plastic bottles is passed.

Thank you for giving us the opportunity to share our concerns.

Bob and Lois Johnson 408 E. Gray Street rajandlij@aol.com

*Git n Go convenience/gas station immediately south of Army Post HyVee convenience/gas station on Army Post at Southridge BP gas station on SE 14th & Army Post Kum & Go convenience/gas station on SE 14th & Diehl QT convenience/gas station at SE 14th & Watrous Kum & Go convenience/gas station on Indianola Road Casey's convenience/gas station on Park and Evergreen Git & Go convenience/gas station by Fareway on Park

47



Drost, Bert < badrost@dmgov.org>

Proposed Hy-Vee expansion

1 message

RICK PHILLIPS <mphill2306@aol.com>

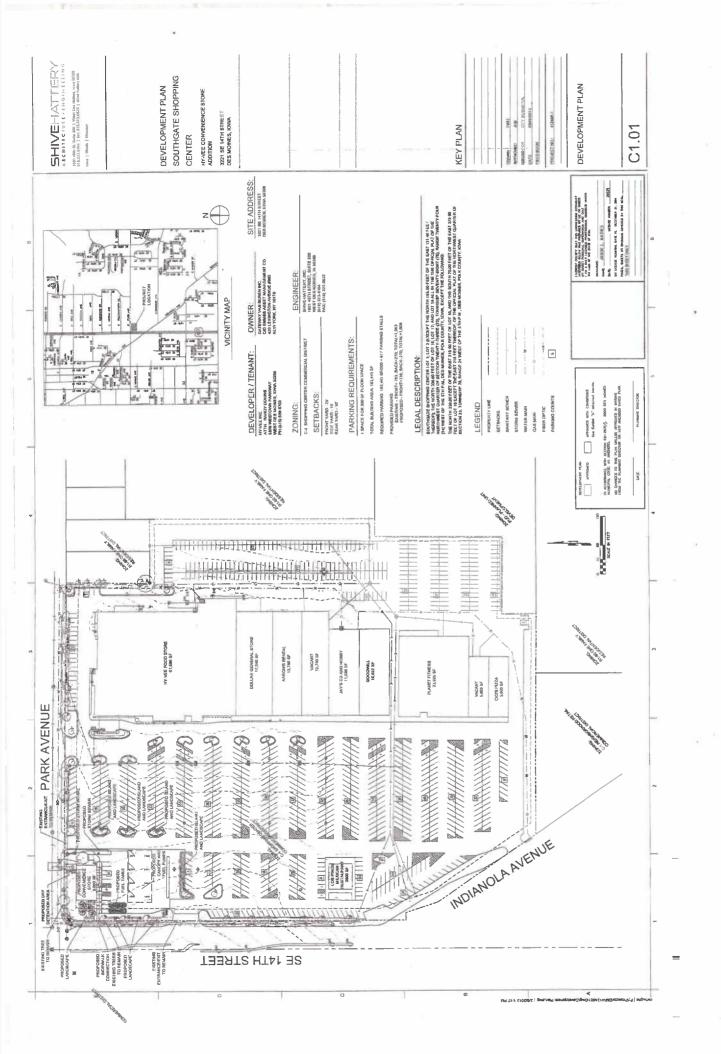
To: badrost@dmgov.org, watson.nancy@yahoo.com, mrwhite@q.com

Tue, Apr 2, 2013 at 6:46 PM

I shop at the Hy-Vee on E 14th and Park almost every day and I have to agree that there is considerable room for improvement at that particular location. In addition to the concerns listed in the Pioneer Park association communication (such as cleanliness, clutter, can redemption area), parking lot security could be improved as well. It is a regular occurence for me to be approached by panhandlers in the lot. Often times they are within twenty feet of the entrance doors and I have even had them knock on my window after I enter my car. When I have reported these occurences to Hy-Vee management, the response has been less than what I would have expected.

By adding a gas station the lot will shrink and the congestion will increase. I hope that the city is getting some assurances that the safety and security of shoppers will the top priority.

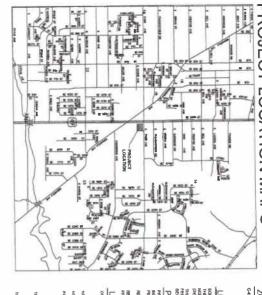
Rick Phillips 2705 SE 5th St Des Moines, la 50315



HY-VEE DES MOINES - CONVENIENCE STORE #3

3221 SE 14TH STREET DES MOINES, IOWA

PROJECT LOCATION MAPS



DEVELOPER / TENANT:

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ATTRIBUTY DOMINIS

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PH(\$13) 590-5703 C.4 BHIDPPING CENTER COMMERCIAL LEGAL DESCRIPTION ZONING: GATEWAY VAN BUREN INC. CO ELIMES ABSET MANAGEMENT CO. 420 LEXINGTON AVENUE #600 NEW YORK, NY 10170 OWNER ENGINEER

BANG HATTERY, INC.
1901 46TH STREET, SUITE 200
WEST DES MONES, IA SOZISS
(\$15) 223-1852 SITE ADDRESS.
3221 BE 14TH STREET
DES MOINES, 10WA 50309

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REQUIRED TOTAL PARKING: 1 STALL PER 300 SF
10 STALLS
10 STAUS IN 10 STALLS

ANDSCAPE SUMMARY.

ARDS REQUIRED, NO RESIDENTIAL ADJACENCIES

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13 OVERSTORY TREES - 5 PR 4 EVERGREEN TREES 75 BHRUBS

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DES MOINES #3

HY-VEE CONVENIENCE STORE

DECIDUOUS TREE B

3221 SE 14TH STREET DES MOINES, IOWA

INDERGROUND ELECTRIC -----

ATTN. PANDY DOWAS
SZZÓ WESTOWN PARKWAY
WEST DES MONES, IOWA SOZOS
PH (515) 558-3703

DEVELOPER / TENANT:

ENGINEER: SHIVE-HATTERY, INC. 1901 460 STREET, SUITE 200 WEST 1256 MOINES, IOWN 50236 PH (\$15) 223-0522

PROPERTY LINE

ANTARY BEVIES

KEY PLAN

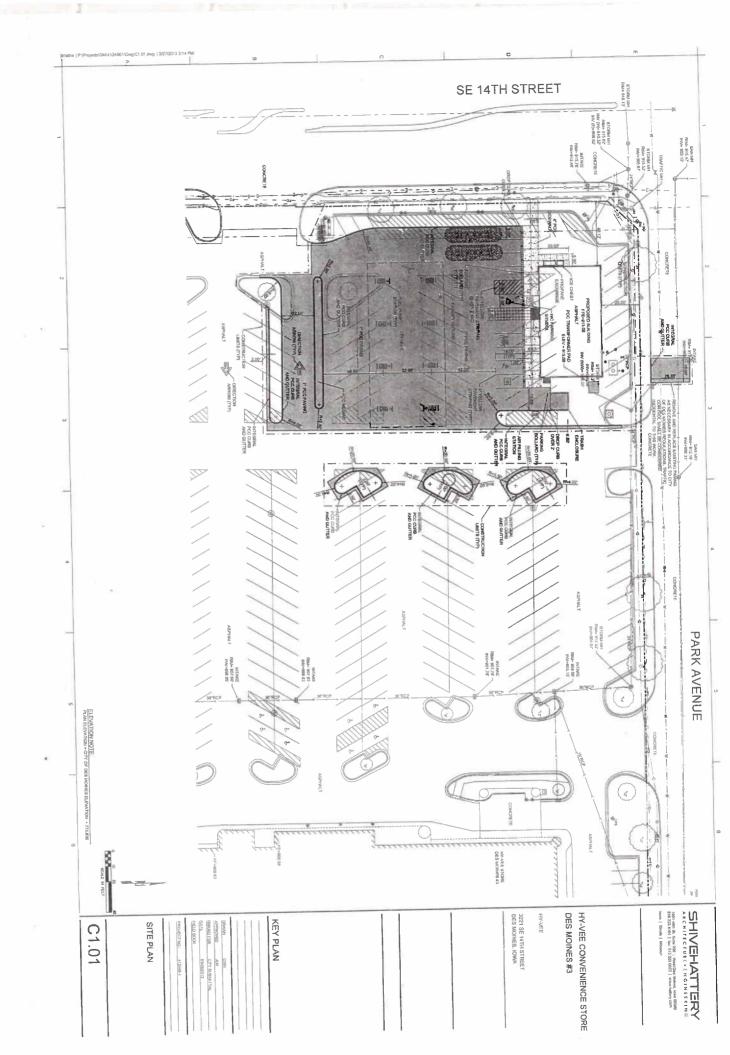
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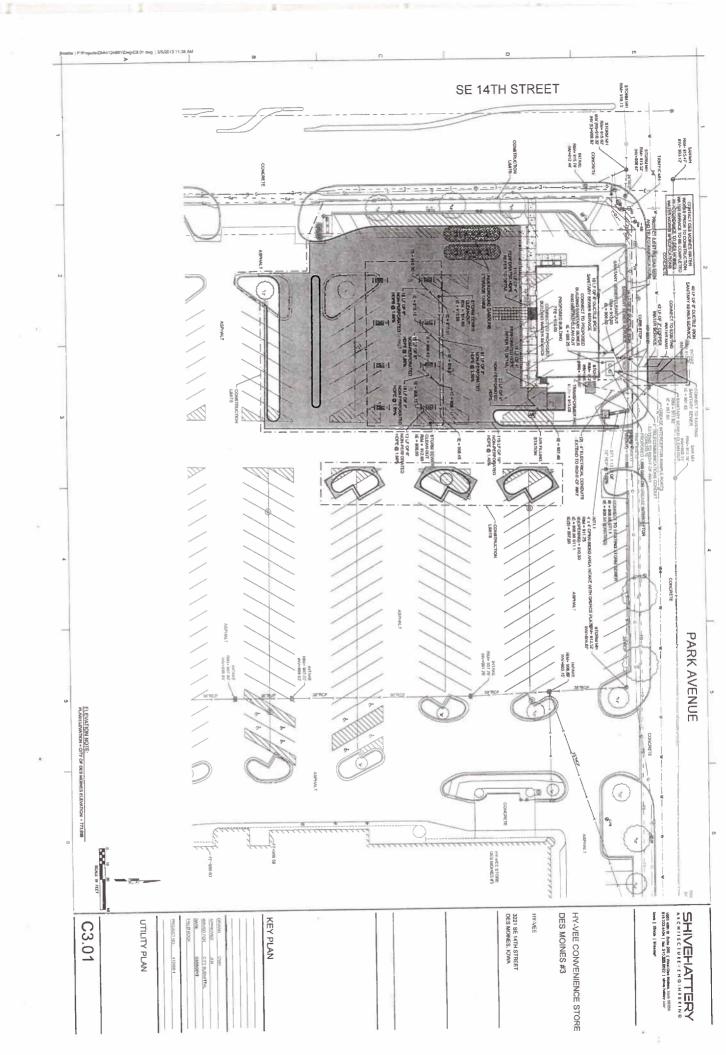
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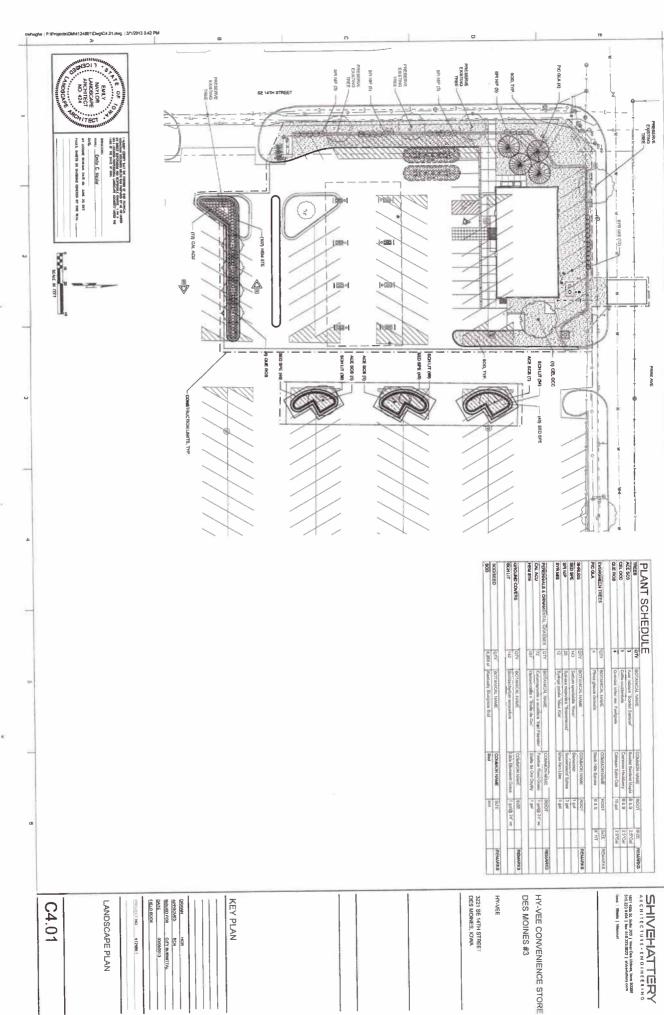
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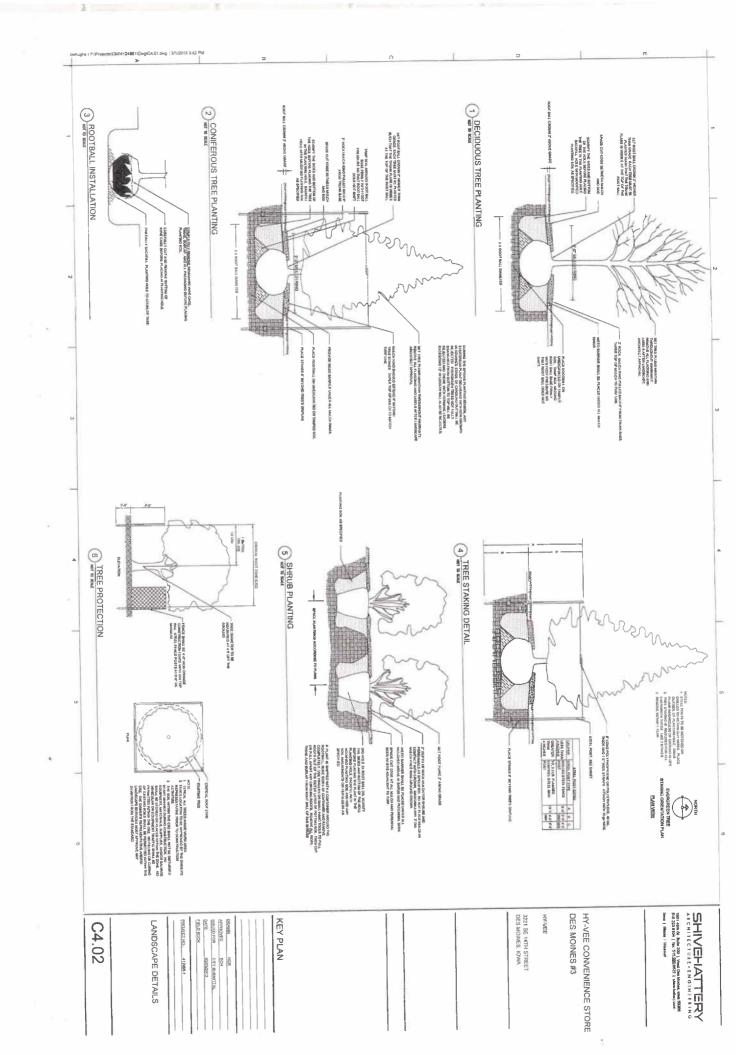
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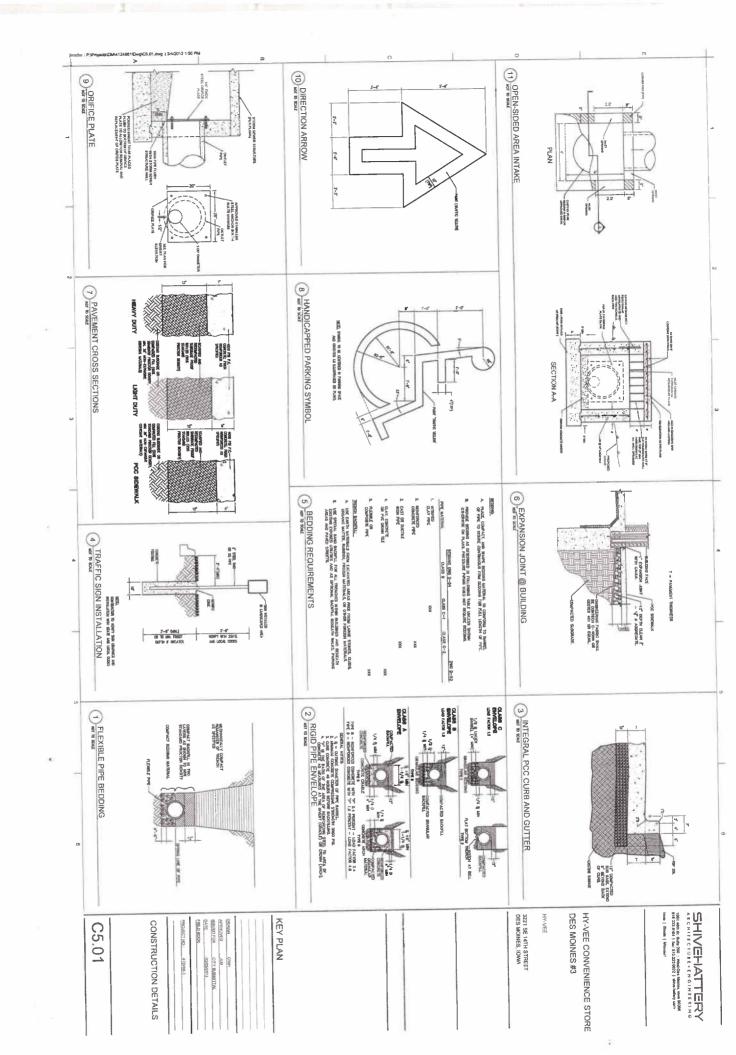


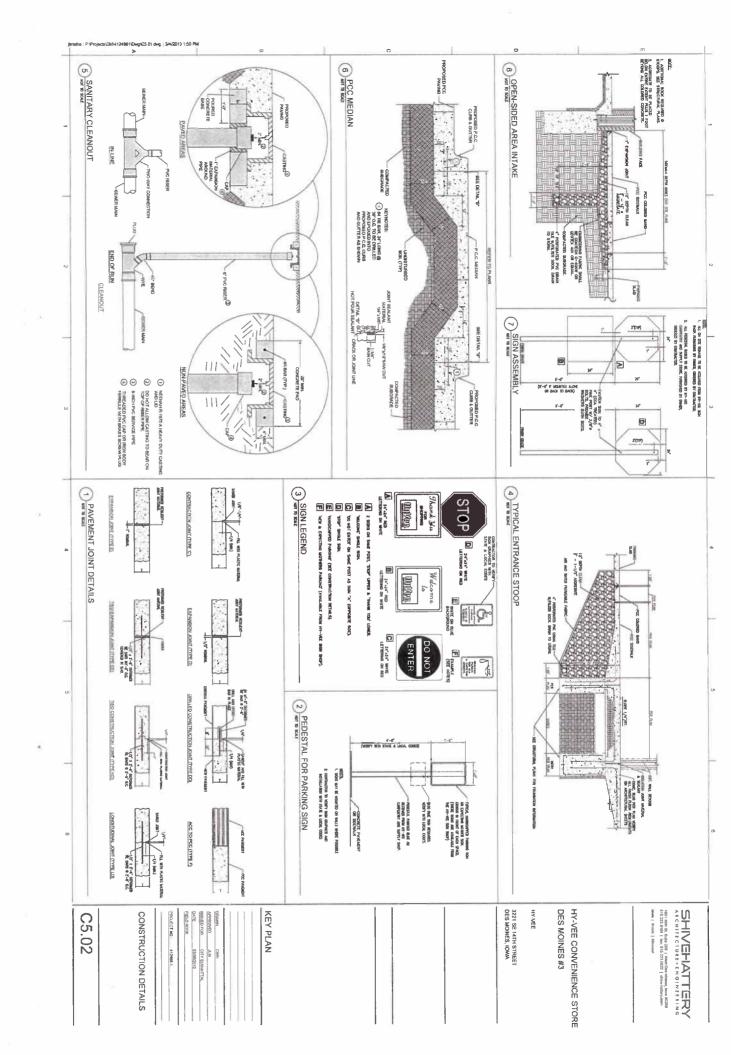




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