



Date September 10, 2018

**RESOLUTION SETTING HEARING ON REQUEST FROM
GIT-N-GO CONVENIENCE STORES, INC. TO REZONE
PROPERTY IN THE VICINITY OF 100 WATROUS AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 16, 2018, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Git-N-Go Convenience Stores, Inc. (owner), represented by Dennis Flora (officer), to rezone property in the vicinity of 100 Watrous Avenue (“Property”) from “R1-70” One-Family Residential District to Limited “C-1” Neighborhood Retail Commercial District, to allow redevelopment of the Property with a new gas station/convenience store with 6 fueling locations, subject to the following rezoning conditions:

1. Any use of the Property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.
2. Any expansion of the existing building on the Property or redevelopment of the Property for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.
3. Any expansion or conversion of the existing building or construction of new buildings on the Property are subject to compliance with all applicable Building Codes and with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center; and

WHEREAS, the Property to be rezoned is legally described as follows:

EXCEPT THE WEST 15 FEET OF THE NORTH 150 FEET, LOTS 1, 2, AND 3 SOUTHMOOR GARDENS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on September 24, 2018, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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



Roll Call Number

Agenda Item Number

21

Date September 10, 2018

than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2018-00140)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

CERTIFICATE

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

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

Mayor

City Clerk



September 4, 2018

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their August 2, 2018 meeting, the following action was taken regarding a request from Git-N-Go Convenience Stores, Inc. (owner), represented by Dennis Flora (officer) to rezone property in the vicinity of 100 Watrous Avenue from "R1-70" One-Family Residential District to "C-1" Neighborhood Retail Commercial District, to allow redevelopment of the property with a new gas station/convenience store with 6 fueling locations.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
Chris Cutler				X
David Courard-Hauri	X			
Jacqueline Easley				X
Jann Freed	X			
John "Jack" Hilmes	X			
Lisa Howard				X
Carolyn Jenison				X
Greg Jones	X			
William Page				X
Mike Simonson	X			
Rocky Sposato				X
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of Part A) the requested rezoning to "C-1" Neighborhood Retail Commercial District not in conformance with the existing "Low Density Residential" PlanDSM: Creating Our Tomorrow future land use plan designation, Part B) **approval** of the requested amendment to the PlanDSM: Creating Our Tomorrow future land use plan designation to

"Neighborhood Mixed Use" and Part C) **approval** of the requested rezoning to "C-1" Neighborhood Retail Commercial Residential District subject to the following conditions:

1. Any use of the property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.
2. Any expansion of the existing building or redevelopment of the site for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.
3. Any expansion or conversion of the existing building or construction of new buildings are subject to compliance with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

(21-2018-4.13) & (ZON2018-00140)

Written Responses

4 in Favor

3 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning to "C-1" Neighborhood Retail Commercial District not in conformance with the existing "Low Density Residential" PlanDSM: Creating Our Tomorrow future land use plan designation.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow future land use plan designation to "Neighborhood Mixed Use".

Part C) Staff recommends approval of the requested rezoning to "C-1" Neighborhood Retail Commercial Residential District subject to the following conditions:

1. Any use of the property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.
2. Any expansion of the existing building or redevelopment of the site for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.
3. Any expansion or conversion of the existing building or construction of new buildings are subject to compliance with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

"Neighborhood Mixed Use" and Part C) **approval** of the requested rezoning to "C-1" Neighborhood Retail Commercial Residential District subject to the following conditions:

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3. Any expansion or conversion of the existing building or construction of new buildings are subject to compliance with all applicable Building Codes with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center.

(21-2018-4.13) & (ZON2018-00137)

Written Responses

4 in Favor

3 in Opposition

STAFF RECOMMENDATION

Part A) Staff recommends that the Commission find the requested rezoning to "C-1" Neighborhood Retail Commercial District not in conformance with the existing "Low Density Residential" PlanDSM: Creating Our Tomorrow future land use plan designation.

Part B) Staff recommends approval of the requested amendment to the PlanDSM: Creating Our Tomorrow future land use plan designation to "Neighborhood Mixed Use".

Part C) Staff recommends approval of the requested rezoning to "C-1" Neighborhood Retail Commercial Residential District subject to the following conditions:

1. Any use of the property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.
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STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The rezoning would allow either the expansion of the existing gas station/convenience store and retail property, or redevelopment with a new gas station/convenience store. The rezoning application provided a development concept showing a 3,080-square foot convenience store with a canopy serving 6 fueling locations.
2. **Size of Site:** 68,124 square feet or 1.564 acres.
3. **Existing Zoning (site):** "R1-70" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** The property is developed with a 1-story, 3,780-square foot commercial building with a convenience store and a commercial tenant bay. There is an existing fueling island serving 4 vehicle fueling locations. There is not an existing canopy over the fueling island.
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Uses are single-family dwellings.
 - South** - "R1-70", Use is the Southside Church of the Nazarene.
 - East** – "R1-60", Uses are single-family dwellings.
 - West** – "R1-70", Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject property is an isolated commercial property located at the intersection of the Watrous Avenue and South Union Street neighborhood collector streets. It is within a predominantly single-family residential neighborhood.
7. **Applicable Recognized Neighborhood(s):** The subject property is located within the Watrous Heights Neighborhood and within 250 feet of Magnolia Park Neighborhood. These neighborhoods were notified of the hearing by mailing of the Preliminary Agenda to all recognized neighborhoods on July 27, 2018. Additionally, separate notifications of the hearing for this specific item were mailed on July 27, 2018 (20 days prior to the hearing) and August 6, 2018 (10 days prior to the hearing) to the 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 all the recognized neighborhood associations on August 10, 2018.

All agendas and applicable notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Watrous Heights Neighborhood Association mailings were sent to David Johnston, 604 Philip Street, Des Moines, IA 50315. The Magnolia Park

Neighborhood Association mailings were sent to Webster Kranto, 310 East Emma Avenue, Des Moines, IA 50315.

The applicant held the required neighborhood meeting on July 31, 2018, and will be available to provide a summary at the hearing.

8. **Relevant Zoning History:** On June 25, 2014, the Zoning Board of Adjustment granted a Conditional Use Permit that allowed use of the property for sales of wine and beer up to 40% of the gross receipts for the business.
9. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** Low Density Residential. This is defined as "areas developed with single family and duplexes up to 6 units per net acre.
10. **Applicable Regulations:** Taking into consideration the criteria set forth in Chapter 18B of the Iowa Code, 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.

II. ADDITIONAL APPLICABLE INFORMATION

1. **PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation:** The subject property is designated as Low Density Residential. The proposed rezoning to "C-1" Neighborhood Retail Commercial District zoning would not be consistent with this designation. Therefore, in order for the proposed rezoning to be found consistent with the future land use designation it would have to be amended to Neighborhood Mixed Use. Staff is supportive of this request based on the redevelopment proposal being comparable in scale to the existing commercial development pattern. Also, current site development standards will provide better protection of the surrounding residential neighborhood than are currently in place with the existing commercial site.

"C-1" District zoning would limit gas station/convenience store development to no more than 6 fueling locations and would limit the hours of operation from 6:00 A.M. to 2:00 A.M. Also, any Conditional Use Permit for alcohol sales would be limited to beer and wine only.

Staff believes that there are a few uses permitted in the "C-1" District that would not be compatible with the directly surrounding single-family residential neighborhood. These would include, Multiple-Family Residential Dwellings, Department Stores or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops. Staff recommends that any approval of the requested rezoning be subject to prohibition of these uses.

2. **Permit and Development Center Comments:** Any alteration of the existing building, redevelopment of a new building, or a change of use on the site must be in compliance with the City's Site Plan regulations, including those regarding storm water

management; off-street parking grading and soil erosion protection; tree removal and mitigation; landscaping and buffering, pavement design; and traffic and fire access. Redevelopment or expansion of a gas station/convenience store will also be subject to additional design guidelines applicable to that use in Section 82-214.8 of the City Code.

Any renovation or expansion of the existing building or any construction of new buildings will require review by the City's Permit & Development Center under applicable Building and Fire Codes with issuance of all necessary permits and a Certificate of Occupancy.

3. **Landscaping & Buffering:** Any development of the site will require landscaping in accordance with the City's Landscape Standards reviewed as part of the Site Plan. These standards generally include open space, bufferyard, and parking lot plantings. Future development of the site would also be subject to the City's Tree Removal and Mitigation Ordinance (Article X Chapter 42 of the City Code). There are also requirements for signature landscape features as part of the gas station/convenience store design guidelines.
4. **Drainage/Grading:** Any additional development of the site must also comply with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center. All grading is subject to an approved grading permit and soil erosion control plan.
5. **Utilities:** There are existing Des Moines Water Works public water mains and public sanitary sewer mains available in both Watrous Avenue and South Union Street.
6. **Access or Parking:** The existing site currently has one existing access drive to Watrous Avenue and an open drive apron onto South Union Street whereby vehicle back into the street to park along the east side of the building. While Traffic Engineering did not require a traffic study as part of the proposed redevelopment, they have indicated that any expansion or redevelopment requiring a site plan will require all drive access to be brought into compliance with the Traffic Code.

SUMMARY OF DISCUSSION

Jan Freed asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Greg Jones made a motion for **approval** of Part A) the requested rezoning to "C-1" Neighborhood Retail Commercial District not in conformance with the existing "Low Density Residential" PlanDSM: Creating Our Tomorrow future land use plan designation, Part B) **approval** of the requested amendment to the PlanDSM: Creating Our Tomorrow future land use plan designation to "Neighborhood Mixed Use" and Part C) **approval** of the requested rezoning to "C-1" Neighborhood Retail Commercial Residential District subject to the following conditions:

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Motion passed: 9-0

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

MGL:tjh

Git-N-Go Convenience Stores, Inc. (owner), represented by Dennis Flora (officer) for property in the vicinity of 100 Watrous Avenue.			File # 21-2018-4.13	
Description of Action	Amendment to the PlanDSM future land use classification from Low-Density Residential to Neighborhood Mixed Use.			
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Neighborhood Mixed Use.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"R1-70" One-Family Low-Density Residential and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District and "FSO" Freestanding Signs Overlay District.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Subject Property	0	0		
Outside Area (200 feet)				
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes
	Denial			No

Git N Go Convenience Stores, Inc., 100 Watrous Avenue

21-18-4.13



1 inch = 120 feet

Git-N-Go Convenience Stores, Inc. (owner), represented by Dennis Flora (officer) for property in the vicinity of 100 Watrous Avenue.				File # ZON2018-00140	
Description of Action	Rezone the property from "R1-70" One-Family Residential District to "C-1" Neighborhood Retail Commercial District, to allow redevelopment of the property with a new gas station/convenience store with 6 fueling locations.				
PlanDSM Future Land Use	Current: Low Density Residential. Proposed: Neighborhood Mixed Use.				
Mobilizing Tomorrow Transportation Plan	No planned improvements.				
Current Zoning District	"R1-70" One-Family Low-Density Residential and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District and "FSO" Freestanding Signs Overlay District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Subject Property	4	3			
Outside Area (200 feet)					
Plan and Zoning Commission Action	Approval	X	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

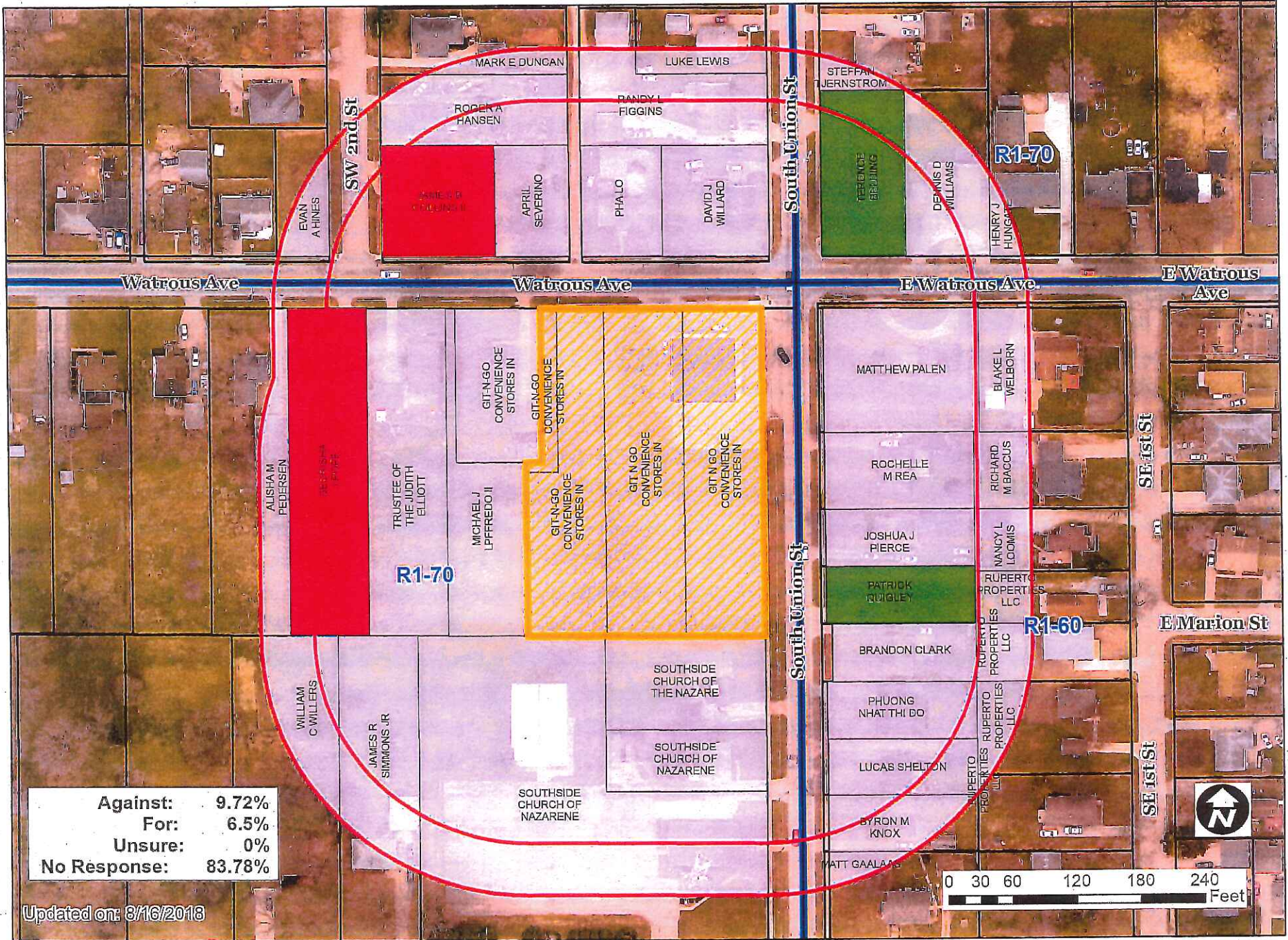
Git N Go Convenience Stores, Inc., 100 Watrous Avenue

ZON 2018-00140



1 inch = 120 feet





Against:	9.72%
For:	6.5%
Unsure:	0%
No Response:	83.78%

Updated on: 3/16/2018

1 inch = 120 feet

ZON2018-00140

Date 8/9/18

SUBJECT PROPERTY

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

(Circle One)
RECEIVED

COMMUNITY DEVELOPMENT

Print Name 6-7-N-60 Stores, Inc.

Signature Dennis Flouge

Address 2716 Indiana Ave. D.M., Inc.

AUG 13 2018

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

ZON2018-00140

Date 8/9/18

SUBJECT PROPERTY

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

(Circle One)
RECEIVED

COMMUNITY DEVELOPMENT

Print Name 6-7-N-60 Stores, Inc.

Signature Dennis Flouge

Address 2716 Indiana Ave. D.M., Inc.

AUG 13 2018

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

Item ZON2018-00140

Date 8/10/18

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

(Circle One)
RECEIVED

COMMUNITY DEVELOPMENT

Print Name Terence Beiding

Signature [Signature]

Address 4 E Watrous Ave

AUG 15 2018

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

Approve, but better lighting and more cameras for security. Bigger parking lot with no parking on the side or back of store.

Item ZON2018-00140

Date 8-13-18

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

(Circle One)

RECEIVED
COMMUNITY DEVELOPMENT

Print Name Debbie M Quigley

Signature Debbie M Quigley

AUG 16 2018

Address 4025 S Union

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

Neighborhood Improvement

traffic improvement

(like idea of new building as long
as it faces Watrous or corner)

Item ZON2018-00140

Date 8/08/2018

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

(Circle One)

RECEIVED

Print Name Georisha Pope

COMMUNITY DEVELOPMENT

Signature [Signature]

AUG 13 2018

Address 200 Watrous Ave

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

Property value will decrease with zoning difference.

Item ZON2018-00140

Date 8 Aug 2018

OUTSIDE 250 FEET

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

(Circle One)

RECEIVED

Print Name Randy Deeds

COMMUNITY DEVELOPMENT

Signature [Signature]

AUG 10 2018

Address 224 Watrous

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

That place attracts a lot of people hanging out till the store closes. The area around the store is always a lot of trash, that no body cleans up.

Item ZON2018-00140

Date 8/13/18

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

(Circle One)

RECEIVED

Print Name Lynette Collins

COMMUNITY DEVELOPMENT

Signature [Signature]

AUG 16 2018

Address 185 Watrous

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

Residential area with an elementary school. Already have 3 other gas stations on Watrous from SE 14th to Elean. A small convenience store with pumps is enough. Check out the crime rate for the element store. Besides they don't keep the property clean.

TIME STAMP 

August 8, 2018 1:39 PM

TIME STAMP 

AIR

August 8, 2018 1:39 PM



TIME STAMP 

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PAINTING SUPPLIES • PUMP REPAIR / PARTS
BUY AND SELL USED PAINT PUMPS
WE'LL COME TO YOUR PROJECT FOR A DEAL!
715-445-1211



August 8, 2018 1:39 PM

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**Git-N-Go
CONVENIENCE
STORES, INC.**



2716 INDIANOLA AVENUE
DES MOINES, IOWA 50315-2399
(515) 288-8565
FAX (515) 288-0331

August 9, 2018

Erik Lundy
City of Des Moines Community Development
RE: 100-110 Watrous Rezoning

Mr. Lundy,

Git-N-Go is willing to amend our rezoning application to request a C-1 district zoning as opposed to the initial request of a C-2 district zoning.

Thank you for time.

Sincerely,

A handwritten signature in blue ink that reads "Dennis Flora".

Dennis Flora
President