



Roll Call Number

13-0646

Agenda Item Number

23

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 14th 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 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."



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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:

[Signature of Michael F. Kelley]

Michael F. Kelley
Assistant City Attorney

MOVED by [Signature of Hensley] to adopt.

(ZON2013-00035)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GRIESS, HENSLEY, MAHAFFEY, MEYER, MOORE, and TOTAL (7 yeas).

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.

[Signature of Diane Rauh]

City Clerk

MOTION CARRIED APPROVED
[Signature of Mayor]