



Roll Call Number

13-0748

Agenda Item Number

47

Date May 6, 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.

(Continued on Page 2)



Roll Call Number

13-0748

Agenda Item Number

47

Date May 6, 2013

-2-

- 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:

(Continued on Page 3)



Roll Call Number

13-0748

Agenda Item Number

47

Date May 6, 2013

-3-

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

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

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

CERTIFICATE

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

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

Y. M. Franklin Council Mayor

Diane Rauh City Clerk