



Date August 26, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 15, 2013, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Kum & Go, LC (developer) represented by Nick Halfhill (officer), Eastgate Plaza, LLC (owner), for an amendment to the PUD Conceptual Plan Eastgate Plaza to create a separate PUD Conceptual Plan Kum & Go Store #534 on property located at 1424 East Euclid Avenue to allow a 4,992 foot convenience store with 20 fueling locations. The convenience store proposes to sell packaged liquor, wine and beer. The approval is subject to the following conditions:

- 1) Revision to indicate that columns on all canopies will be clad in masonry material to match the primary convenience store building.
- 2) Revision to indicate locations for outdoor and seasonal display.
- 3) Revision of the east drive entrance configuration as approved by Traffic Engineering.
- 4) Provision of the following notes on the Conceptual Plan:
  - a. Landscaping minimums shall be in accordance with standards as applied to C-2 Districts.
  - b. Any sale of liquor, wine and/or beer shall be in accordance with the proper license obtained through the Office of the City Clerk as approved by the City Council.
  - c. Any sale of liquor, wine, and/or beer is subject to provisions in Section 134-954(c)(1-4) of the Zoning Ordinance.
  - d. The PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of alcoholic liquor if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.

The subject property is more specifically described as follows:

LOTS 1, 6, AND 7, EXCEPT THE SOUTH 4.5 FEET THEREOF AND ALL OF LOTS 2, 3, 4, AND 5, ALL IN BROWN'S LOWLAND PLACE PLAT NO.2, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA,  
AND  
LOT 5 (EXCEPT THE WEST 200.0 FEET THEREOF), LOT 6, BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND LOT 7, EXCEPT THAT PORTION DEEDED TO THE CITY OF DES MOINES FOR STORM DETENTION PURPOSES WHICH IS DESCRIBED AS FOLLOWS:



Date August 26, 2013

BEGINNING AT THE NORTHWEST CORNER OF LOT 7, BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, THENCE NORTH 89°(DEGREES)30'(MINUTES)15"(SECONDS) EAST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 376.92 FEET, TO THE NORTHEAST CORNER OF SAID LOT 7, THENCE SOUTH 08°15'28" EAST, ALONG THE EASTERLY LINE OF SAID LOT 7, A DISTANCE OF 500.38 FEET, THENCE SOUTH 89°38'19" WEST ALONG THE EASTERLY EXTENSION OF THE NORTHERLY LINE OF LOT 6, IN SAID BROWN'S LOWLAND PLACE, A DISTANCE OF 447.72 FEET, THENCE NORTH 00°07'20" WEST, ALONG THE WEST LINE OF SAID LOT 7, AND ALONG THE EAST LINES OF LOTS 1 AND 2 IN SAID BROWN'S LOWLAND PLACE, A DISTANCE OF 494.70 FEET TO THE POINT OF BEGINNING,

AND

LOT 8 (EXCEPT THE WEST 17.5 FEET THEREOF), LOT 9 (EXCEPT THE WEST 17.5 FEET THEREOF), LOT 14 AND LOT 16, EXCEPT THE SOUTH 4.50 FEET, AND LOTS 10, 11, 12, AND LOT 13 EXCEPT THE FOLLOWING PORTIONS THEREOF ALL IN BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA:

BEGINNING AT THE N.W. CORNER OF SAID LOT 10, THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 10, 17.5 FEET, THENCE SOUTH, PARALLEL WITH AND 17.5 FEET EAST OF THE WEST LINE OF SAID LOT 10, 165.0 FEET, TO A POINT THAT IS 17.5 FEET EAST OF THE N.W. CORNER OF SAID LOT 11, THENCE EAST, ON THE NORTH LINE OF SAID LOT 11, 5.0 FEET, THENCE SOUTH 3°(DEGREES) 52'(MINUTES) EAST, 96.25 FEET, THENCE SOUTH 45° 06' EAST, 46.58 FEET, THENCE SOUTH 86° 12' EAST, 88.2 FEET, TO A POINT THAT IS ON THE EAST LINE OF SAID LOT 11, SAID POINT BEING 15.0 FEET NORTH OF THE S.E. CORNER OF SAID LOT 11, THENCE SOUTH, ALONG THE EAST LINE OF SAID LOT 11, 5.0 FEET, TO A POINT THAT IS 10.0 FEET NORTH OF THE S.E. CORNER OF SAID LOT 11, THENCE EAST, PARALLEL WITH AND 10.0 FEET NORTH OF THE SOUTH LINE OF SAID LOT 10, 155.5 FEET, THENCE EASTERLY, IN A STRAIGHT LINE TO A POINT THAT IS ON THE SOUTH LINE OF SAID LOT 13, SAID POINT BEING 83.0 FEET EAST OF THE S.E. CORNER OF SAID LOT 12, THENCE WEST, ALONG THE SOUTH LINES OF SAID LOTS 13, 12, 10, AND 11, 494.0 FEET, TO A POINT THAT IS 136.0 FEET WEST OF THE S.E. CORNER OF SAID LOT 11, THENCE NORTHWESTERLY, IN A STRAIGHT LINE, TO A POINT THAT IS ON THE WEST LINE OF SAID LOT 11, SAID POINT BEING 130.0 FEET SOUTH OF THE N.W. CORNER OF SAID LOT 11, THENCE NORTH, ALONG THE WEST LINES OF SAID LOTS 11 AND 10, 295.0 FEET, TO THE N.W. CORNER OF SAID LOT 10, AND TO THE POINT OF BEGINNING; AND EXCEPTING THE WEST 17.5 FEET OF LOT 13, ALL IN BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 46.36 ACRES MORE OR LESS.



Roll Call Number

Agenda Item Number

19

Date August 26, 2013

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 rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on September 9, 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.

Moved by \_\_\_\_\_ to adopt.

FORM APPROVED:

Michael F. Kelley  
Assistant City Attorney

(ZON2013-00092)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED	APPROVED			
_____ Mayor				

**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.

\_\_\_\_\_ City Clerk

August 22, 2013

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 August 15, 2013, the following action was taken regarding a request from Kum & Go, LC (developer) represented by Nick Halfhill (officer) for an amendment to the PUD Conceptual Plan "Eastgate Plaza" to create a separate PUD Conceptual Plan "Kum & Go Store #534" on property located at 1424 East Euclid Avenue.

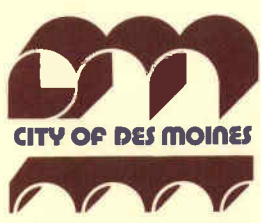
**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 12-0 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			
CJ Stephens	X			
Vicki Stogdill				X
Greg Wattier	X			

**APPROVAL** of the proposed amendment to the Eastgate Plaza PUD with the submitted Conceptual Plan, subject to the following modifications:  
(ZON2013-00092)

- 1) Revision to indicate that columns on all canopies will be clad in masonry material to match the primary convenience store building.
- 2) Revision to indicate locations for outdoor and seasonal display.
- 3) Revision of the east drive entrance configuration as approved by Traffic Engineering.
- 4) Provision of the following notes on the Conceptual Plan:
  - a. Landscaping minimums shall be in accordance with standards as applied to "C-2" Districts.



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



- b. Any sale of wine and/or beer shall be in accordance with the proper license obtained through the Office of the City Clerk as approved by the City Council.
- c. Any sale of liquor, wine, and/or beer is subject to provisions in Section 134-954(c)(1-4) of the Zoning Ordinance.
- d. The PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of alcoholic liquor if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.

Written Responses

4 In Favor  
 0 In Opposition

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

Staff recommends approval of the proposed amendment to the Eastgate Plaza PUD with the submitted Conceptual Plan, subject to the following modifications:

- 1) Revision to indicate that columns on all canopies will be clad in masonry material to match the primary convenience store building.
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**STAFF REPORT**

**I. GENERAL INFORMATION**

- 1. **Purpose of Request:** The proposed PUD would allow development of a 4,992-square foot convenience store with 10 fuel pumping apparatus (20 fueling locations). The submitted Conceptual Plan proposes two access driveways from East Euclid Avenue and cross-access through the property to the north, east and west into the overall Eastgate Plaza commercial center. Future development of the site must be in accordance with a Development Plan that complies with the requirements established in the PUD Conceptual Plan and with the Design Guidelines for Gas Stations/Convenience Stores in Section 82-214.8 of the Site Plan Ordinance.
- 2. **Size of Site:** 2.0 acres.

3. **Existing Zoning (site):** "PUD" Planned Unit Development District.
4. **Existing Land Use (site):** The property is a vacant pad site with some paved area in disrepair that previously served as off-street parking.
5. **Adjacent Land Use and Zoning:**
  - North* – "PUD"; Use is vacant land (formerly the Eastgate Plaza commercial center.)
  - South* – "M-1" and "C-2"; Uses are drive-thru restaurants (Hardee's and Taco Bell)
  - East* – "PUD"; Use is drive-thru restaurant (B-bop's).
  - West* – "PUD"; Use is commercial center and vacant pad site.
6. **General Neighborhood/Area Land Uses:** The proposed development is located at a major commercial center northeast of the intersection of East Euclid Avenue and East 14<sup>th</sup> Street commercial corridors.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Highland Park Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on July 26, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2012 (20 days prior) and July 8, 2013 (10 days prior to the originally scheduled hearing) to the Highland Park Neighborhood Association, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. 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 Highland Park Neighborhood Association mailings were sent to Trudy McCormick, 1226 East Oak Park Avenue Des Moines, IA 50316. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on August 9, 2013. The Plan and Zoning Commission continued the originally scheduled hearing on July 18, 2013 to August 15, 2013.

The applicant is responsible for conducting a neighborhood meeting inviting representatives of the Highland Park Neighborhood Association, and surrounding property owners within 250 feet. The meeting was conducted on June 7, 2013. The applicant will provide a summary of the meeting at the public hearing.
8. **Relevant Zoning History:** The subject property was rezoned to "PUD" on April 20, 1998.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Community Commercial.
10. **Applicable Regulations:** The Commission reviews all proposals to amend PUD Conceptual Plans within the City of Des Moines in accordance with Sec. 134-700 of the Zoning Ordinance. 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, in addition to the existing regulations. The recommendation of the Commission will be forwarded to the City Council.



The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

## II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** There are no existing mature trees on the subject property. It is located within a Federal Insurance Rate Map as a Zone X area, which is an area outside the 100 –year flood, based on a Letter of Map Revision approved on September 21, 2005. The property is no longer subject to development under the provisions of Chapter 50 of the City Code for Flood Plain Development.
2. **Drainage/Grading:** The applicant must comply with the City's storm water management, soil erosion protection and grading requirements as approved by the City's Permit and Development Center's engineering staff during the Development Plan (site plan) review. In this instance the policy would require drainage between the 5-year and 100-year storm event be piped to public storm sewer directly as it will be handled by a new regional stormwater basin to the north. The site is large enough to also require water quality detention on-site for more frequent rain events of 1.5 inches or less.
3. **Utilities:** The subject property has access to necessary utilities. There are both public storm and sanitary sewer mains crossing the site within easements. These affect the placement of the building and require that it be shifted to the western edge of the property.
4. **Traffic/Parking:** The Traffic and Transportation Engineering staff did not require an in depth traffic study for this location on the proposed development. Previous traffic analysis required a study for a big box retail store proposed for the center. The findings of that study indicated that a future signal may be warranted along East Euclid Avenue at full build out of the center. It would be located at the eastern drive entrance of the Eastgate Plaza site where there is an existing median cut. This is further east than the proposed site. The proposed site would use existing access which is acceptable to Traffic Engineering staff within the surrounding street network. The developer is working with Traffic Engineering staff to ensure that the alignment of the proposed east entrance is centered properly on the median opening. Any Conceptual Plan should reflect a design that is acceptable to Traffic Engineering.

There is public sidewalk within East Euclid Avenue. The City's standard off-street parking requirement for retail uses with fuel sales is 1 parking space per 300 square feet. This would require a minimum of 17 spaces for a 4,992-square foot building. The submitted Conceptual Plan includes 45 spaces.

- 5. Design Guidelines for Gas Stations/Convenience Stores:** The Conceptual Plan includes a note that states the proposed convenience store project will be developed in accordance with the City's Gas Station/Convenience Store Site Plan 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 site measures 2.0 acres and would contain 20 fueling locations. A minimum of 20,000 square feet of open space (1,000 square feet per fueling location) is required to meet this guideline. The submitted Conceptual Plan shows that the site would have at least 20,279 square feet of open space, which complies with this guideline.*

- D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:
- (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
  - (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
  - (iii) Minimizing cross traffic conflicts within parking areas.

*The proposed building and canopies are setback a minimum of 25 feet from the public street system. The Conceptual Plan shows the canopy at a 50-foot setback from East Euclid Avenue. Shared access to other pad sites to the north, west and east are provided in the submitted Plan.*

- E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:
- (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;



- (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;
- (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;
- (iv) Lighting should be non-invasive to adjoining residential use.

F. The site plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

*The submitted Conceptual Plan shows refuse collection enclosure at the northwest corner of the building with gates oriented internal to the commercial center. There is an existing adjoining public sidewalk in East Euclid Avenue. An internal sidewalk link along the western driveway provides a route to the building. Most of the parking spaces have access to pedestrian routes adjoining the primary building.*

### Architecture

- A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.
- B. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city's 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.
- C. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.
- D. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.
- E. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.
- F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.
- G. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.
- H. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:
  - (i) Low-scale planters and site walls.
  - (ii) Wainscot treatment.
  - (iii) Clearly pronounced eaves or cornices.
  - (iv) Subtle changes in material color and texture.
  - (v) Variation in roof forms.
  - (vi) Covered pedestrian frontages and recessed entries.
  - (vii) Deeply set windows with mullions.

*The proposed building would be constructed of masonry with varying patterns to create visual interest. The building would have metal canopies over all entrances and a*

*feature above the primary frontage of the building which would have architectural metal panels. The building would have 360 degree architecture, with entrances on three of the four sides. The primary façade is oriented toward East Euclid Avenue with secondary entrance features oriented towards the east and north interior to the Eastgate Plaza area. Staff believes that the proposed design meets these guidelines.*

I. Canopies:

- (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.

*The proposed canopy would be sided with a metal material and supported by metal columns. Staff believes that the entire column should be wrapped in masonry that matches the building for all columns for this guideline to be met.*

- (ii) Canopy height should not be less than 13'- 9" as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18'.

*The conceptual proposed canopy for fuelling would have a total height of 20'-10" due to the sign that would project 2'-4" above the top edge for a width of 9'-3" at locations along three sides of the canopy. Staff believes that the proposed height is appropriate given the unique circumstances and grading of the site.*

- J. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the site plan and be located outside of any required setbacks. No display of seasonal items should exceed 5' in height.

*The Conceptual Plan includes a note that addresses this guideline but does not identify locations for these areas on the site layout. If there is intentions for that display a revision is necessary.*

Landscape Design

- A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.
- B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.
- C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.
- D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.
- E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.
- F. Monument signs are encouraged and are required when the site adjoins a residential district.



*The Conceptual Plan shows a mix of trees, evergreens and shrubs throughout the site. The conceptual landscaping plantings are shown at minimums that would be necessary for "C-2" Districts. Staff recommends that note be added into the PUD Standards that all landscaping will comply with minimums that would be required in a "C-2" District.*

*The Conceptual Plan includes a note that states "the required landscaping shall be maintained for the life of the certificate of occupancy or certificate of zoning compliance."*

*The submitted Conceptual Plan includes one monument style sign with a masonry base along East Euclid Avenue that would be 10 feet tall. The sign would include a 10-foot by 5-foot (50 square feet) component and a 2.833-foot by 10.625-foot (30 square feet) electronic display component for pricing. All additional signage would be mounted to the building and canopy in accordance with the submitted elevations.*

### Lighting

- A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.
- B. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The site plan must contain illuminance models showing light levels throughout the site.
- C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.
- D. Parking Lot and Site Lighting:
  - (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
  - (ii) Maximum pole heights should not exceed 20'.
- F. Building-Mounted Lighting:
  - (i) All luminaries should be a full cut-off design and aimed downward.
  - (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

*The Conceptual Plan includes a note that states "all site lighting will be in compliance with the lighting standards of City Code Section 82-214.8 to the satisfaction of the Community Development Director." Lighting would be reviewed in detail during the Development Plan phase. Because the property is surrounded by commercial development the maximum light levels at the boundary of the site should not exceed 2.0 footcandles.*

6. **2020 Community Character Plan:** Staff believes that the proposed amendment to the PUD Conceptual Plan conforms to the Des Moines' 2020 Community Character Plan Future Land Use designation of Commercial: Auto-Oriented Community Commercial.



Because the property is zoned PUD it is not required to comply with City Code Section 134-954. However, as a baseline for consideration of a PUD Conceptual Plan, the Commission should consider the standards applicable to a Conditional Use Permit for a gas station/convenience store in a "C-2" District. This would require at least 150 feet of separation from any church, school, public park or licensed child care center, and allow no more than 40% of gross receipts being from the sale of liquor, wine, beer or tobacco products.

*There are not any churches, schools, public parks or licensed child care centers within 150 feet of the subject property.*

In accordance with City Code Section 134-954(b), any use of a premise for the sale of alcoholic liquor, wine and beer should be granted only where the business, when operated in conformance with such reasonable conditions, satisfies the following criteria:

- The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.

*The subject property is located along major traffic corridors. Staff believes that the sale of liquor, wine, and beer at this location would adequately safeguard the health, safety and general welfare of persons residing in the area so long as it is accessory to a gas station/convenience store and comprises no more than 40% of gross revenues.*

- The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

*Staff believes that this site is sufficiently separated from any residential uses by distance and major traffic thoroughfares. The entire site is separated from the closest residential use by 700 feet.*

- The business will not unduly increase congestion on the streets in the adjoining residential area.

*The subject property fronts the major corridors East Euclid Avenue and nearby East 14<sup>th</sup> Street. The proposed business would have minimal impact on the traffic pattern and would not likely increase congestion in the area.*

- The operation of the business will not constitute a nuisance.

*Staff believes that the sale of liquor, wine, and beer at this location as an accessory use to a convenience store with fuel sales will not constitute a nuisance.*

In accordance with City Code Section 134-954(c), any use of a premise for the sale of alcoholic liquor, wine and beer shall be subject to the following general conditions:

- Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at

all times. The entire site shall be landscaped and illuminated so as to minimize hiding places for possible criminal activity.

- The business shall comply with article IV of chapter 42 of this Code pertaining to noise control. The business shall have no outside speakers or amplified sound except when used in compliance with a type E sound permit.
- Any such business must comply with the following requirements:
  - Every limited food sales establishment, limited retail sales establishment and gas station/convenience store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either: i) display alcoholic liquor only in a locked case or behind a counter accessible only to employees; ii) employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or iii) have more than one employee on duty at all times the business is open to the public.
  - Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
  - Institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.
  - Not dispense alcoholic beverages from a drive-through window.
- Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
- The use is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the PUD Conceptual Plan.
- If the zoning enforcement officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions set forth in the PUD Conceptual Plan, the zoning enforcement officer may apply to the Plan and Zoning Commission and City Council for legislative amendment to the PUD Conceptual Plan to revise the use allowances.

*Staff recommends reference of these standards be added to the PUD Standards of the Conceptual Plan as a condition of approval for the sale of liquor, wine, and beer.*

7. **Liquor Licensing:** Any sale of alcoholic liquor, wine, and/or beer must be in accordance with the proper license issued through the Office of the City Clerk as approved by the City Council.

## **SUMMARY OF DISCUSSION**

Erik Lundy presented the staff report and recommendation.

*Christine Pardee rejoined the meeting*

Greg Wattier asked why staff is requiring the applicant to put brick around the columns on the canopy.

Erik Lundy stated that is a convenience store design guideline in Chapter 82 of the City Code.



Will Page asked what is unique about this site which would allow the canopy the way it is proposed.

Erik Lundy stated the applicant is asking for some leeway to keep the height of the canopy level. Staff believes that the proposed height is appropriate given the unique circumstances and grading of the site.

JoAnne Corigliano asked if the changes that staff is talking about going to be handled by staff or is it anything the Commission need to act on.

Erik Lundy stated that staff believes compliance with zoning conditions should be administratively reviewed by staff.

Mike Ludwig noted that in regards to the height of the canopies staff expects within the next year coming back with some revisions to the design guidelines. The Commission has approved taller height than what is our standard almost every time it has been requested. For example a Casey's on Douglas Avenue was requested and approved. The guidelines were patterned after a city in Arizona. And a slightly different standard may be more appropriate for Des Moines.

Tim Fitzgerald asked what would the height of the ceiling of the canopy be.

Erik Lundy stated at least 13 foot 9 inches in order to get emergency vehicles and fueling trucks to the large fueling area. Kum and Go standards are normally 15 foot 6 inches. The idea with the maximum height is then not to have a too wide of a fascia on that canopy all the way around.

Tim Fitzgerald asked on top of the fascia then will it be the 2 foot 6 inches except for the icon.

Erik Lundy stated yes that is what the applicant is proposing in those areas. Because it is a PUD they will be held to those elevations. On three sides they are proposing those buttons to go above the height of the canopy.

Nick Halfhill 6400 Westown Parkway, West Des Moines stated they made amendments to the plan in time for tonight's meeting. The plans the Commissioners have is an older version. He gave an overview of the amendments. They are conforming to the open space. They are proposing underground water quality, there is an existing controlled intersection to the east, and they are utilizing existing access points. They have met all of the standard qualifications. The canopy want has nothing to do with exposure. They have a few sites where they have built the canopies lower (in a 18 to 19 foot range) in Colorado where they deal with significant snow pack. It becomes the grade issues where the canopies get hit so they like to put the canopies high enough where they think is still reasonable without getting damaged. The top of the sign is what bumps the sign up. Lighting varies on their sites. All fixtures including the site lighting on the perimeters as well as, the canopy light underneath are LED cut off. The LED is a Kum & Go standard as part of our energy savings and LEED program. They are in agreement with all staff recommendations.

CJ Stephens congratulated Kum & Go for taking a LEED and setting a standard on promoting LEED buildings because it is very important for the future generations.



## CHAIRPERSON OPENED THE PUBLIC HEARING

*There was no one to speak in favor or in opposition of the applicant's request.*

## CHAIRPERSON CLOSED THE PUBLIC HEARING

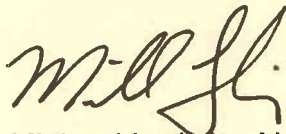
### COMMISSION ACTION:

Ted Irvine moved staff recommendation to approve the proposed amendment to the Eastgate Plaza PUD with the submitted Conceptual Plan, subject to the following modifications:

- 1) Revision to indicate that columns on all canopies will be clad in masonry material to match the primary convenience store building.
- 2) Revision to indicate locations for outdoor and seasonal display.
- 3) Revision of the east drive entrance configuration as approved by Traffic Engineering.
- 4) Provision of the following notes on the Conceptual Plan:
  - a. Landscaping minimums shall be in accordance with standards as applied to "C-2" Districts.
  - b. Any sale of wine and/or beer shall be in accordance with the proper license obtained through the Office of the City Clerk as approved by the City Council.
  - c. Any sale of liquor, wine, and/or beer is subject to provisions in Section 134-954(c)(1-4) of the Zoning Ordinance.
  - d. The PUD Conceptual Plan shall be subject to a legislative amendment to preclude the sale of alcoholic liquor if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions of approval.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

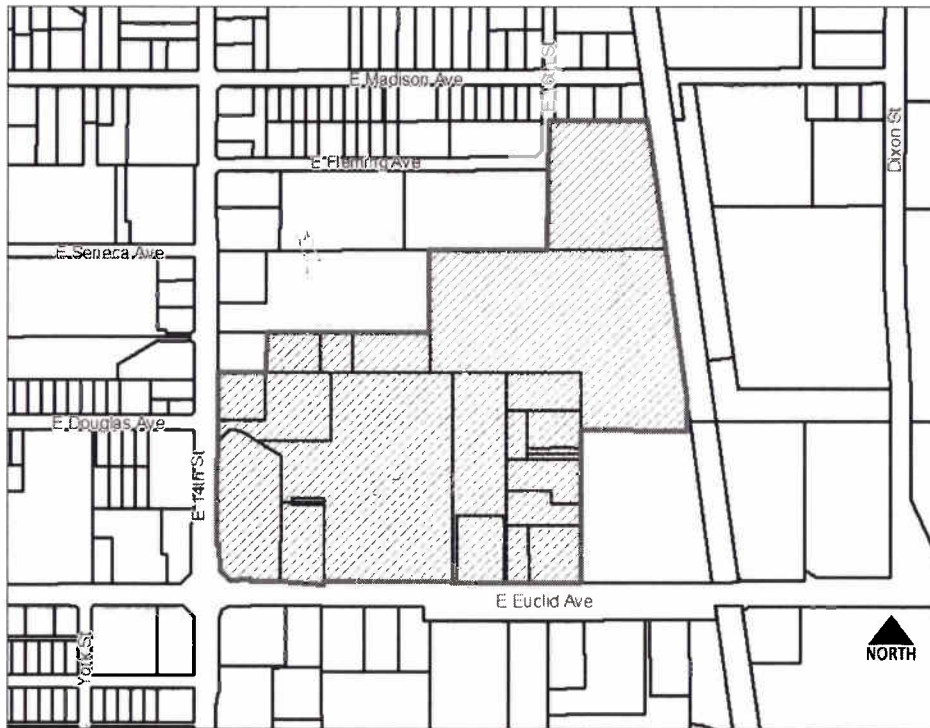
MGL:clw

Attachment

Request from Kum & Go, LC (developer) represented by Nick Halfhill (officer) for an amendment to the PUD Conceptual Plan "Eastgate Plaza" to create a separate Conceptual Plan "Kum & Go Store #534" on property located at 1424 E. Euclid Avenue. The subject property is owned by Eastgate Plaza, LLC.			<b>File #</b> <b>ZON2013-00092</b>		
<b>Description of Action</b>	Approval for an amendment to the PUD Conceptual Plan "Eastgate Plaza" to create a separate Conceptual Plan "Kum & Go Store #534" on property located at 1424 E. Euclid Avenue to allow a 4,992-square foot convenience store with 20 fueling locations subject to conditions.				
<b>2020 Community Character Plan</b>	Commercial: Auto-Oriented Small-Scale Strip Development & General Industrial (current & no change proposed)				
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements				
<b>Current Zoning District</b>	"PUD" Planned Unit Development District.				
<b>Proposed Zoning District</b>	"PUD" Planned Unit Development District.				
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	4				
Outside Area					
<b>Plan and Zoning Commission Action</b>	Approval	12-0	<b>Required 6/7 Vote of the City Council</b>	Yes	
	Denial			No	X

Kum & Go LC - 1424 East Euclid Avenue

ZON2013-00092



Item ZON2013-00092

Date 7-11-13

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

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

JUL 17 2013

Print Name J MASTER LLC

Signature [Signature]

DEPARTMENT

Address 4100 E 16th TDSM ID

2013

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Item ZON2013-00092

Date 07-11-13

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

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

JUL 15 2013

Print Name Tom Kanes

Signature [Signature]

DEPARTMENT

Address 1605 E MADISON

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Item ZON2013-00092

Date 7-15-13

19

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

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

JUL 17 2013

DEPARTMENT

Print Name Dery Brawa

Signature Dery Brawa

Address 2106 Milton / 3800

SE142

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

NEED THE CORNER CLEANED UP  
GOOD FOR THE Neighborhood

Item ZON2013-00092

Date 7/11/13

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

**RECEIVED**  
(Circle One)  
COMMUNITY DEVELOPMENT

JUL 17 2013

DEPARTMENT

Print Name \_\_\_\_\_

Signature [Signature]

Address \_\_\_\_\_

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

Development of the area is a welcome  
sight.

Kum & Go LC - 1424 East Euclid Avenue

ZON2013-00092

