



Date September 9, 2013

WHEREAS, on August 26, 2013, by Roll Call No. 13-, the City Council duly resolved that a public hearing to be held on September 9, 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 Kum & Go, LC (developer) represented by Nick Halfhill (officer), to amend the approved Kum & Go Store #120 PUD Planned Unit Development District Conceptual Plan for property located in the vicinity of 6304 Southwest 9th Street; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 29, 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 August 15, 2013, the Plan and Zoning Commission recommended by a vote of 9-3 that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the following condition and subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator:

To allow a maximum canopy height of 20'-10"

WHEREAS, in accordance with the published notice those interested in the proposed amendment to the approved PUD Conceptual 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 amendment to the approved PUD Conceptual Plan for the property in the vicinity of 6304 Southwest 9th Street, and more specifically described below, are hereby overruled and the hearing is closed.

PUD BOUNDARY

PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 14052 AT PAGE 229 OF LOTS 1, 2, 21, & 22 IN LANGDON PLACE, AN OFFICIAL PLAT, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.



Date September 9, 2013

-2-

A PARCEL OF LAND THAT IS A PART OF LOT ONE (1) EXCEPT THE SOUTH 10 FEET THEREOF, IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 4986, PAGE 219, AND EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY WARRANTY DEED RECORDED IN BOOK 4986, PAGE 222;

AND PART OF LOT TWO (2), IN LANGDON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND PART OF LOT TWENTY-ONE (21), IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY DEED RECORDED IN BOOK 4986, PAGE 222;

AND PART OF LOT TWENTY-TWO (22), IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY DEED RECORDED IN BOOK 4986, PAGE 222;

MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NW CORNER OF SAID LOT 21; THENCE N 01°17'07" E, A DISTANCE OF 30.26 FEET TO THE NE CORNER OF SAID LOT 2; THENCE N 89°44'53" W, A DISTANCE OF 122.27 FEET TO THE NW CORNER OF SAID LOT 2; THENCE S 00°16'17" W, A DISTANCE OF 87.81 FEET; THENCE S 89°58'53" W, A DISTANCE OF 10.62 FEET; THENCE S 00°17'50" E, A DISTANCE OF 154.82 FEET; THENCE S 89°47'48" E, A DISTANCE OF 132.80 FEET; THENCE S 00°18'33" E, A DISTANCE OF 10.00 FEET; THENCE S 89°47'48" E, A DISTANCE OF 250.80 FEET TO A POINT ON THE WEST R.O.W. OF SW 9TH ST.; THENCE N 00°09'50" W, A DISTANCE OF 139.73 FEET ALONG SAID R.O.W.; THENCE N 02°38'07" E, A DISTANCE OF 81.60 FEET ALONG SAID R.O.W.; THENCE N 89°33'35" W, A DISTANCE OF 255.18' ALONG THE NORTH LINE OF SAID LOT 21 TO THE POINT OF BEGINNING, AND CONTAINING 2.00 ACRES MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

(Continued on Page 3)



Date September 9, 2013

2. The proposed amended PUD Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the condition identified above.

3. The amended PUD Conceptual 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 condition recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendment by the Community Development Director.

MOVED by _____ to adopt and to approve the proposed amendment to the PUD Conceptual Plan.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

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

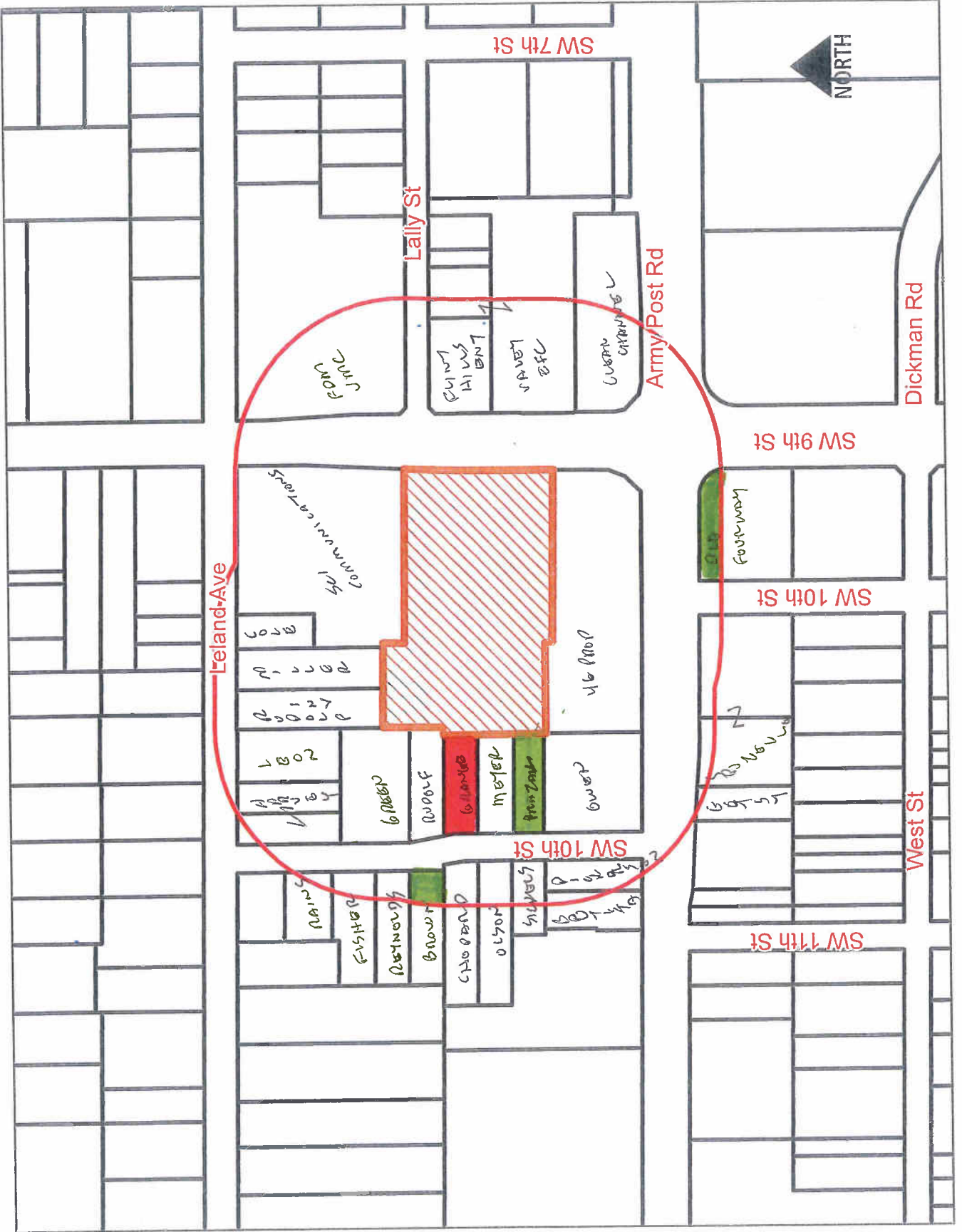
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

Kum & Go LC - 6304 SW 9th Street

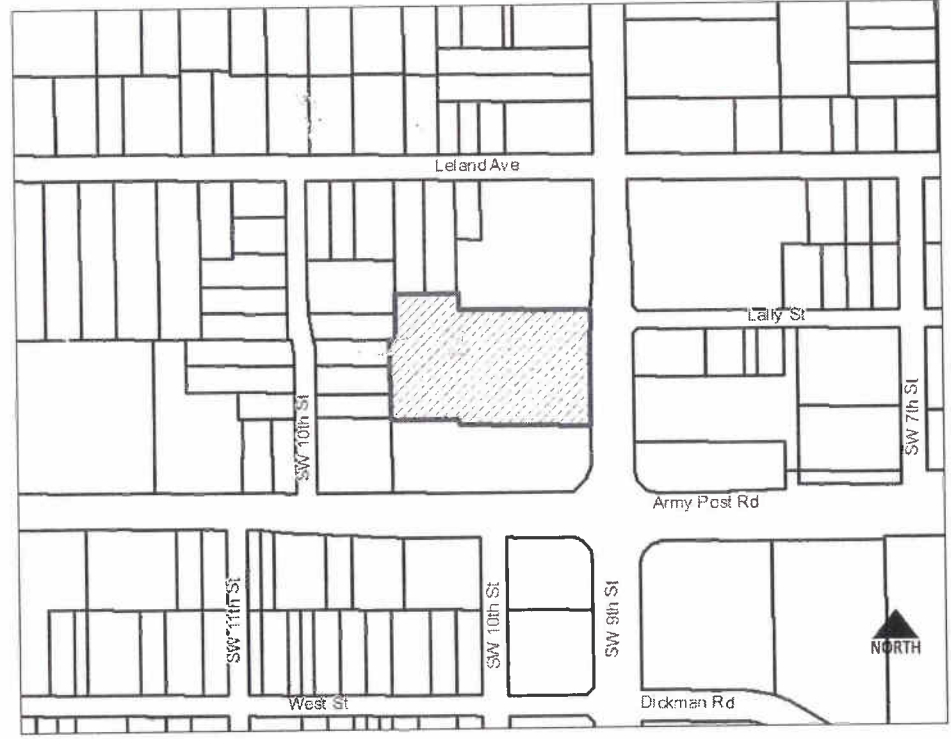
ZON2013-00093



Request from Kum & Go, LC (owner) represented by Nick Halfhill (officer) for an amendment to the PUD Conceptual Plan "Kum & Go Store # 120" on property located at 6304 Southwest 9 th Street.				File # ZON2013-00093	
Description of Action	Approval for an amendment to the PUD Conceptual Plan "Kum & Go Store # 120" on property located at 6304 Southwest 9 th Street, to revise the provisions to increase the maximum canopy height to allow a pump island canopy of up to 20-feet 10-inches.				
2020 Community Character Plan	Commercial: Auto-Oriented Small-Scale Strip Development (current & no change proposed)				
Horizon 2035 Transportation Plan	SW 9 th Street from Raccoon River to Army Post Road to widen from 4 lane undivided to 5 lane undivided				
Current Zoning District	"PUD" Planned Unit Development District.				
Proposed Zoning District	"PUD" Planned Unit Development District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	3	1			
Outside Area					
Plan and Zoning Commission Action	Approval	9-3	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Kum & Go LC - 6304 SW 9th Street

ZON2013-00093



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 "Kum & Go Store # 120" on property located at 6304 Southwest 9th Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-3 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 Conceptual Plan amendment to revise the provision limiting the maximum canopy height in order to allow a canopy with a maximum height of 20-feet 10-inches. (ZON2013-00093)

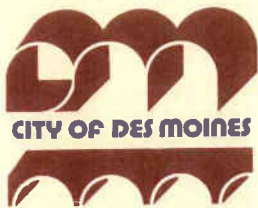
STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed Conceptual Plan amendment.

Written Responses

3 In Favor

1 In Opposition



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

STAFF REPORT

43

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed amendment would allow the height of the pump island canopy to be increased from a maximum of 19 feet, 6 inches to 20 feet, 10-inches to allow for canopy signage that matches their other newer locations in the area. The only portions of the canopy that would exceed 18 feet, 6 inches would be at the locations of the three signs.
2. **Size of Site:** 2 acres.
3. **Existing Zoning (site):** "Kum & Go Store #120" PUD District.
4. **Existing Land Use (site):** Development site.
5. **Adjacent Land Use and Zoning:**
 - North* – "C-2" & "R1-60"; Uses are single-family dwellings and religious based community center.
 - South* – "C-2"; Use is the Hardee's Restaurant site.
 - East* – "C-2"; Uses are a veterinarian clinic and a church.
 - West* – "R1-60"; Uses are single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The proposed development is located along the Southwest 9th Street commercial corridor just north of the Army Post Road intersection.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Watrous South Neighborhood and within 250 feet of the Fort Des Moines Neighborhood. These neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on July 1, 2013. Additionally, separate notifications of the hearing for this specific item were mailed on June 28, 2013 (20 days prior to the hearing) and on July 8, 2013 (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 for the meeting was mailed to all the recognized neighborhood associations on July 12, 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 South Neighborhood notices were mailed to James Spiller, P.O. Box 35845, Des Moines, IA 50315. The Fort Des Moines Neighborhood notices were mailed to Debbie Jorgenson, 5500 SE 1st Court, Des Moines, IA 50315.

8. **Relevant Zoning History:** The subject site was zoned "PUD" District by the City Council on July 23, 2012 by Ordinance Number 15,122.

9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Community Commercial.

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, 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. **Drainage/Grading:** A stormwater detention basin exists in the western portion of the site. This facility was constructed with the Hardee's redevelopment to the south and was designed to have enough capacity for both developments.

2. **Parking:** Forty-one parking spaces were previously approved. No changes are proposed.

3. **Urban Design:** 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.

