

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: December 14, 2016

Item: Kum & Go, 330 Jordan Creek Parkway – Construct a 6,217 sq. ft. convenience store with eight fuel pumps – Kum & Go, LC – PC-003227-2016

Requested Action: Approval of a Permitted Conditional Use Permit

Case Advisor: Brian S. Portz, AICP

Applicant's Request: Kum & Go, LC, requests approval of a Town Center Overlay District site plan for the construction of a 6,217 sq. ft. convenience store with eight fuel pumps (16 fueling stations) at 330 Jordan Creek Parkway, within the Jordan West development.

History: The property was included in the original Bridgewood PUD; however, was removed with the adoption of the original Jordan West Specific Plan in 2007. The 2007 Area Development Plan and Specific Plan Ordinance for the Jordan West property provided regulations for the development of offices on the property with limited retail aspects and internal private streets. The associated Bridgewood Plat 1 was approved in 1998; Jordan West Plat 1 in June of 2007; and Jordan West Plat 2 in February, 2008. On May 18, 2015, the City Council approved a Comprehensive Plan Amendment and Area Development Plan (ADP) amendment to allow for a new proposed development which included retail, restaurants, a hotel, apartments, and an office building. On June 15, 2015, the City Council approved a Specific Plan Ordinance for the Jordan West development that specified development regulations for the subject property. On August 10, 2015, the City Council approved the final plat for Jordan West Plat 3, which created the lot that is the subject of this request.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on October 3, 2016 as an informational item only. The Subcommittee was supportive of the project.

Staff Review and Comment: This request was distributed to various City departments and other outside agencies for their review and comment. Staff would summarize the following:

- **Building Design:** A design theme is utilized in the Overlay District to provide cohesiveness amongst buildings within a development, while still setting apart one development from another. The proposed architecture captures the required theme of Jordan West through the use of materials, colors and details. Staff believes the proposed architecture is consistent with the precedent images that were approved with the Jordan West Specific Plan Ordinance.
- **Store & Canopy orientation:** The Town Center Overlay District aims to minimize the presence of vehicle use elements. The store is proposed to face north with the canopy north thereof but perpendicular to adjacent Jordan Creek Parkway. This puts the canopy on interior portion of the lot and minimizes the mass of the canopy that faces Jordan Creek Parkway. The interior orientation of the vehicle use elements is consistent with the intent of the overlay district.
- **Ampersand Symbol:** Kum & Go's business model involves the installation of an 8' tall ampersand symbol at each of their stores. The ampersand symbol has been installed at the new Kum & Go at 50th Street and EP True Parkway and is proposed at the Kum & Go under construction within the Mills Crossing development. While the ampersand is a brand element of Kum & Go and intended to be implemented at various stores, this symbol will be treated like a sculpture with local artists or community members designing and implementing the surface designs on the symbol. The applicant indicates that the symbol will not be painted or clad in corporate colors, but will be painted differently for every store within West Des Moines. This has been discussed with the Development and Planning City Council Subcommittee with the Council representatives in agreement that the element could be classified as art and allowed as long as it is located near the store and unique to other ampersand art pieces. Staff recommends that the Board approve the ampersand symbol as a sculpture, as opposed to a sign.
- **Buffer Park:** A 30' buffer park will be installed adjacent to Jordan Creek Parkway as a part of the Overlay District Site Plan for the larger Jordan West property. The buffer planting plans are shown on the Kum & Go site plan.

- Access: The eastern north/south roadway through the development will provide access to the Kum & Go property and to EP True Parkway. The east/west roadway through the Jordan West development will provide the property access to Jordan Creek Parkway. In addition, a right-in only entrance from Jordan Creek Parkway has been constructed and will also provide access to the site from Jordan Creek Parkway.

Town Center Overlay District Consistency: The proposed site plan has been reviewed for consistency with the proposed Town Center Overlay District Guidelines. Based upon that review, a finding has been made that the proposed site plan is consistent with the Town Center Overlay District Guidelines in that the site plan is consistent with the overall objective and intents of the Town Center Overlay District Guidelines.

Comprehensive Plan Consistency: The project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan and the land use map of the Comprehensive Plan.

Permitted Conditional Use Permit Findings: This proposed project was distributed to various city departments for review and comment. Based upon that review, the following findings have been made on the proposed project:

1. The proposed development and use is consistent with the West Des Moines Comprehensive Plan in that the project has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed project is consistent with the Comprehensive Plan in that the project is consistent with all of the goals and policies of the Comprehensive Plan.
2. The proposed development and use does assure compatibility of property uses within the zone and general area in that this project was reviewed by various City Departments for compliance with the Zoning Ordinance.
3. All applicable standards and conditions have been imposed which protects the public health, safety and welfare in that this project was reviewed by various City Departments and public agencies for compliance with the various state and local regulations. Based upon that review a finding is made that the project has been adequately conditioned to protect the health, welfare and safety of the community.
4. There is adequate on-site and off-site public infrastructure to support the proposed development in that this project was reviewed by various public agencies and City Departments and public utilities to ensure that either the petitioner will construct or the project has been conditioned to construct adequate public infrastructure to serve the development.
5. The proposed development and use has met the requirements contained in the City Code in that this project was reviewed by various City Departments and the project has complied with or has been conditioned to comply with all City Code requirements.
6. The proposed development and use is in keeping with the scale and nature of the surrounding neighborhood in that the proposed project is consistent with the zoning designation and Comprehensive Plan which designates this site as suitable for development such as that proposed by this project.

Staff Recommendation And Conditions Of Approval: Based upon the preceding review and a finding of consistency with the goals and policies of the Comprehensive Plan and Town Center Overlay District, staff recommends the Board of Adjustment adopt a resolution approving the Permitted Conditional Use Permit to allow construction of a 6,217 sq. ft. convenience store with eight fuel pumps at 330 Jordan Creek Parkway, subject to the applicant meeting all City Code requirements and the following:

1. That the site landscaping associated with this building and site be installed prior to issuance of any occupancy permit, including temporary occupancy permits or to allow issuance of a temporary occupancy permit, surety be provided in the amount of 1½ times the bid amount for materials and installation. No final occupancy permit shall be issued until all landscaping in accordance with the site plan is installed and in a thriving condition.
2. Prior to issuance of any building permit, including footing and foundation permits, the applicant submitting final site plan drawings for approval stamping.

Property Owner: Ryan Companies US, Inc.
S. 10th Street, Suite 300
Minneapolis, Minnesota
612-492-4000

Applicant Kum & Go, LC
6400 Westown Parkway
West Des Moines IA 50266
Attn: Dan Garneau
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Applicant's Representatives: Keith Weggen
Civil Design Advantage
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ATTACHMENTS:

Attachment A	-	Resolution
Attachment B	-	Location Map
Attachment C	-	Site Plan
Attachment D	-	Building Elevations

RESOLUTION NO. BOA-2016-17

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT TO CONSTRUCT A 6,217 SQUARE FOOT CONVENIENCE STORE WITH EIGHT FUEL PUMPS AT 330 JORDAN CREEK PARKWAY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Kum & Go LC, has requested approval of Permitted Conditional Use Permit (PC-003227-2016) to construct a 6,217 square foot convenience store with eight fuel pumps (16 fueling stations) at 330 Jordan Creek Parkway, and legally described as;

LOT 4, JORDAN WEST PLAT 3, AN OFFICIAL PLAT IN THE CITY OF WEST DES MOINES, DALLAS COUNTY, IOWA.

WHEREAS, studies and investigations were made and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

WHEREAS, on December 14, 2016, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-003227-2016);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report or as amended orally at the Board of Adjustment hearing are adopted.

SECTION 2. The address of 330 Jordan Creek Parkway is assigned to this site.

SECTION 3. The PERMITTED CONDITIONAL USE PERMIT (PC-003227-2016) for the construction of a 6,217 square foot convenience store with eight fuel pumps is approved, subject to compliance with all the conditions in the staff report including conditions added at the meeting, and attached hereto as Exhibit "A." Violation of any such conditions shall be grounds for revocation of the permits, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on December 14, 2016.

Michael R. Blaser, Chairperson
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Plan and Zoning Commission of the City of West Des Moines, Iowa, at a regular meeting held on December 14, 2016, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

ATTEST:

Recording Secretary

Exhibit A
CONDITIONS OF APPROVAL

1. That the site landscaping associated with this building and site be installed prior to issuance of any occupancy permit, including temporary occupancy permits or to allow issuance of a temporary occupancy permit, surety be provided in the amount of 1½ times the bid amount for materials and installation. No final occupancy permit shall be issued until all landscaping in accordance with the site plan is installed and in a thriving condition.
2. Prior to issuance of any building permit, including footing and foundation permits, the applicant submitting final site plan drawings for approval stamping.