


**CITY OF WEST DES MOINES
PLAN AND ZONING COMMISSION COMMUNICATION**

Meeting Date: June 18, 2018

Item: Greenway Crossing PUD, Southwest Corner of 92nd Street and University Avenue – Hy-Vee, Inc. Amend the Greenway Crossing PUD for Number of Fuel Pumps Allowed – ZC-003915-2018

Requested Action: Recommend approval of Planned Unit Development Amendment

Case Advisor: Kara V. Tragesser, AICP 

Applicant's Request: Hy-Vee, Inc., is seeking approval of an amendment to the Greenway Crossing Planned Unit Development (PUD) to allow eight fuel islands in PUD Parcel C. The PUD currently calls for a maximum of 12 pumps (maximum of 6 fuel pumps supplying no more than two vehicles).

History: The property is located within the Greenway Crossing Planning Unit Development and is currently vacant. A site plan application has been submitted for the site for a Hy-Vee Fast and Fresh convenience store with 7 fuel pump islands with one pump per island

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee at their April 30, 2018, meeting in conjunction with discussion regarding the complementary city code amendment and the Hy-Vee Fit and Fresh. The Subcommittee was supportive of the amendment to the Greenway Crossing Planned Unit Development.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. There are no outstanding issues.

PUD Parcel C Provisions: The Greenway Planned Unit Development regulations include limiting the number of fuel pumps and the size of the canopy. The applicant also applied to the City to amend City Code to allow eight fuel pump islands in the Community Commercial zoning district. This code amendment was adopted by the City Council on June 11, 2018. The City amended the city code several years ago to remove a canopy size limitation on all fuel pump canopies. The PUD provisions for PUD Parcel C now limit the number of fuel pumps to six and limit the canopy size to 9,000 sq. ft. With the city code being changed to increase the number of fuel pump islands to eight and the city code having been changed to eliminate the maximum canopy size this complementary PUD amendment has been written to be in line with city code.

Comprehensive Plan Consistency: The proposed Planned Unit Development amendment has been reviewed for consistency with the Comprehensive Plan. Based upon that review, a finding has been made that the proposed amendment 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.

Staff Recommendations and Conditions of Approval Based upon the preceding review and a finding of consistency with the Comprehensive Plan, staff recommends that the Plan and Zoning Commission adopt a resolution recommending the City Council approve the amendment to the Greenway Crossing Planned Unit Development ordinance to revise the number of pump islands in PUD Parcel C and to eliminate the maximum size of canopy to be consistent with the City Code, subject to the applicant meeting all City Code requirements.

Noticing Information: On June 8, 2018, notice for the June 18, 2018, Plan and Zoning Commission and the June 25, 2018, City Council Public Hearings on this project was published in the Des Moines Register. Notice of these public hearings also was mailed to all property owners within the PUD boundary on June 7, 2018.

Property Owner:

Hubbell Metropolitan Development Fund I LLC (Series B)
6900 Westown Parkway
West Des Moines IA 50266
Joe Pietruszynski
515-246-3228

Applicant:

Hy-Vee, Inc.
5820 Westown Parkway
West Des Moines IA 50266
Rob Wadle
515-267-7884
rwadle@hy-vee.com

Attachments:

Attachment A	-	Plan and Zoning Commission Resolution
Exhibit A	-	Conditions of Approval
Attachment B	-	Proposed Ordinance Amendment

PLAN AND ZONING COMMISSION RESOLUTION #PZC-18-044

A RESOLUTION OF THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES, RECOMMENDING TO THE CITY COUNCIL THAT IT APPROVE THE REZONING REQUEST (ZC-003915-2018) FOR THE PURPOSE OF AMENDING THE GREENWAY CROSSING PLANNED UNIT DEVELOPMENT TO CHANGE THE NUMBER OF FUEL PUMPS ALLOWED IN PARCEL C AND TO CHANGE THE CANOPY SIZE ALLOWED

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, Hy-Vee, Inc. has requested approval of a Greenway Crossing Planned Unit Development (PUD) ordinance amendment to change the change the number of fuel pumps allowed in PUD Parcel C and to eliminate the maximum canopy size;

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

WHEREAS, on June 18, 2018, this Commission held a duly-noticed hearing to consider the application for a Rezoning Request;

NOW, THEREFORE, THE PLAN AND ZONING COMMISSION OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings, for approval, in the staff report, dated June 18, 2018, or as amended orally at the Plan and Zoning Commission hearing of June 18, 2018, are adopted.

SECTION 2. REZONING REQUEST (ZC-003915-2018) to amend the Greenway Crossing PUD is recommended to the City Council for approval, subject to compliance with all the conditions in the staff report, dated June 18, 2018, including conditions added at the Hearing, and attached hereto as Exhibit "A", if any. Violation of any such conditions shall be grounds for revocation of the permit, as well as any other remedy which is available to the City.

PASSED AND ADOPTED on May 8, 2017.

Craig Erickson, Chair
Plan and Zoning Commission

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 June 18 2018, by the following vote:

- AYES:
- NAYS:
- ABSTENTIONS:
- ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A
CONDITIONS OF APPROVAL

None.

Prepared by: K Tragesser, Development Services, City of West Des Moines, PO Box 65320, West Des Moines, IA 50265

Return To: City Clerk, City of West Des Moines, P.O. Box 65320, West Des Moines, IA 50265

Tax Statement: Not Applicable

ORDINANCE #

AN ORDINANCE AMENDING THE CITY CODE OF THE CITY OF WEST DES MOINES, IOWA 2014, AND ORDINANCE #1349, #1661, #1704, #1785, #1838, #2018, #2044, AND #2223 (ALSO KNOWN AS GREENWAY CROSSING #53) PERTAINING TO P.U.D. (PLANNED UNIT DEVELOPMENT) DISTRICT REGULATIONS AND GUIDELINES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST DES MOINES, IOWA:

SECTION 1. AMENDMENT. Ordinances 1349, 1661, 1704, 1785, 1838, 2018, 2044, and 2223 Greenway Crossing PUD, Section 3 Land Use Design Criteria, Paragraph A, Parcels A, B, C, and D, is hereby amended by adding the text in bold lettering and deleting the text in strikethrough and shaded text;

A. Parcels A, B, C, and D: All general use regulations and provisions set forth in title 9, "Zoning", of the city code for the community commercial (CMC) shall apply to any development proposal for any of these parcels as shown on the sketch plan for the Greenway Crossing PUD ordinance, unless noted elsewhere within this ordinance.

1. Allowed Uses: Allowed uses within all parcels shall include all uses in the community commercial district (CMC) except for the following exceptions:
2. One convenience store with ~~twelve (12) gas pumps (maximum of 6 fuel pumps with a fuel pump supplying no more than 2 vehicles at the same time)~~ and gasoline canopy with a maximum size of nine thousand (9,000) square feet **eight (8) fuel pumps** shall be a permitted use within parcel A or C.

SECTION 2. SAVINGS CLAUSE: If any section, provision, sentence, clause, phrase or part of the Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any provision, section, subsection, sentence, clause, phrase or part hereof not adjudged invalid or unconstitutional.

SECTION 3. VIOLATIONS AND PENALTIES: Any person who violates the provisions of this Ordinance upon conviction shall be punished as set forth in Section 1-4-1 of the City Code of the City of West Des Moines, Iowa.

SECTION 4. OTHER REMEDIES: In addition to the provisions set out in the Violations and Penalties Section herein, the City may proceed in law or equity against any person, firm or corporation for violation of any section or subsection of this Ordinance.

SECTION 5. EFFECTIVE DATE: This Ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

Passed and approved by the City Council on this _____ day _____ 2018.

Steven K Gaer, Mayor

ATTEST:

Ryan Jacobson
City Clerk

I certify that the foregoing was published as Ordinance No. _____ on the ___ day of _____ 2018.

Ryan Jacobson
City Clerk