

**CITY OF WEST DES MOINES  
STAFF REPORT COMMUNICATION**

**Meeting Date:** April 25, 2022

**ITEM:** Subway/Dairy Queen Parking, 308 – 340 Grand Avenue – Approve Level 1 Minor Modification to Site Plan to allow modifications to the parking lot – Real Estate Holdings II, LLC – MML1-005549-2022

**Resolution: Approval of Level 1 Minor Modification to Site Plan**

**Background:** Ben Smith with Kirkham Michael, on behalf of the property owner, Real Estate Holdings II, LLC, requests approval of the Level 1 Minor Modification to Site Plan for the approximately 0.72-acre property located at 308 – 340 Grand Avenue. The property owner proposes to modify the parking lot for better traffic circulation. Typically, Minor Modifications to Site Plan applications are approved administratively; however, because the project does not comply with bulk regulations stated within current zoning (as detailed below), approval will need to be granted by the City Council. City Code Title 9, Zoning, Chapter 15, Off-Street Parking and Loading, Section 6, Design Standards, Subsection N, Waiver of Requirements provides:

1. *“The City Council reserves the right to waive or modify to a lesser restriction any provision or requirement of off-street parking and loading areas contained in this chapter, provided said waiver or modification does not adversely affect the intent of these regulations to adequately safeguard the general public and surrounding property.”.*
2. *Exceptions may be considered for those uses where special circumstances warrant a change and whereby the modification or waiver is determined to be in the best interest of the general public.*

**Staff Review & Comment:**

- **History:** The properties are platted as a portion of Lot 94 and Lot H of the Linnwill plat. The Subway building (340 Grand Avenue) is estimated to have been constructed in 1949 and the Dairy Queen building (328 Grand Avenue) in 1962. On February 1, 2021, the City Council approved a minor modification for changes to the parking lot due to reconstruction of Grand Avenue adjacent to the site. During the reconstruction of Grand Avenue, the City and Property Owner contracted for the conveyance of the necessary right-of-way. The transfer has not been completed and Staff recommends a condition of approval that the Property Owner complete the transfer as agreed in the executed purchase agreement. The additional right-of-way needed and to be transferred for the widening resulted in the elimination of parking spaces in front of the Subway and Dairy Queen buildings and restriping of the internal parking lot to change the direction of traffic flow. The reduction in parking made the site non-compliant with City parking requirements; therefore, that minor modification was reviewed and approved by the Plan & Zoning Commission and City Council.
- **Key Development Aspects:**
  - **Site Circulation:** The parking lot modifications that were done by the city to this site in the fall of 2021 as a part of the Grand Avenue Reconstruction have led to problems with site circulation particularly for vehicles coming from the Hy-Vee parcel to the east. Due to the counterclockwise one-way circulation through the parking lot, those vehicles ended up going in the wrong direction through the parking lot. This modification is proposing a westbound one-way lane on the north end of the parking lot to allow westbound vehicles to circulate through the parking lot in a counterclockwise direction.

- **Parking Stall Dimensions:** The parking lot stall dimensions existing in the parking lot and after re-striping of the parking lot will not meet current City Code requirements for parking stall length and stall depth. Due to the size of this existing parking lot, the stall dimensions required by Code cannot be met. Staff recommends a condition of approval that the City Council exempt the site from these requirements until such time that the site is redeveloped in the future.
- **Parking Requirements:** With the changes that were made to the site as a part of the Grand Avenue widening project and the February 1, 2021, minor modification approval, there are currently 40 parking spaces on the site. Based on the parking requirements for a planned commercial center of this size, 45 parking spaces are required. This new modification to the parking lot will result in the removal of 2 additional parking spaces for a total of 38 spaces being provided within the site. Since the removal of the original 7 parking spaces was due to the widening of Grand Avenue, and the removal of 2 additional parking spaces is needed for better site circulation, Staff recommends that the Plan & Zoning Commission and City Council exempt this site from the parking requirements until such time the site is redeveloped.
- **Landscape Island Trees:** Two end islands are proposed at the north end of the parking lot to separate the parking spaces from the proposed one-way westbound lane. City Code requires that trees be planted in end islands; however, the property owner is proposing to install shrubs within these islands. The property owner has indicated that this site will most likely be redeveloped in the next 3-5 years, thus they are requesting the ability to install shrubs at this time in lieu of planting trees. Staff is comfortable with this due to the fact that this area has been a parking lot for many years and to try to plant trees into the very compacted soil under the parking lot would most likely result in the tree(s) dying. Staff suggests a condition of approval that the City Council defer planting trees in end islands on this site until such time that the site is redeveloped in the future.
- **Vesting of Entitlement:** Per City Code, entitlement (approval to construct or implement) shall remain in effect so long as substantial site work has progressed beyond grading and completion of structural foundations and twenty-five percent (25%) of the total building area has occurred above grade within twenty-four (24) months of the effective date of the approval, unless a greater time period is authorized at time of the original entitlement, or by approval of an extension of the original entitlement. It is the responsibility of the developer to be aware of this deadline and request an extension of the approval prior to the expiration date.

**Outstanding Issues:** There are no outstanding issues.

**Plan and Zoning Commission Action:**

Date: April 25, 2022

Vote:

Recommendation:

**Recommendation:** Approve the Level 1 Minor Modification to Site Plan request, subject to the property owner meeting all City Code requirements, and the following conditions of approval:

1. The City Council granting an exemption of the minimum number of parking stalls required for this site due to the impacts on this site as a result of the widening of Grand Avenue until such time that the site is redeveloped.
2. The City Council granting an exemption of the minimum required parking stall dimension requirements, until such time that the site is redeveloped.

3. The City Council granting an exemption of the requirement that trees be planted in terminal landscape islands, until such time that the site is redeveloped.
4. The Property Owner completing the transfer of property for the additional right-of-way as required by the executed purchase agreement.

**Lead Staff Member:** Brian Portz

**Approval Meeting Dates:**

Plan and Zoning Commission	April 25, 2022
City Council:	

**Staff Report Reviews:**

Plan & Zoning Commission	<input checked="" type="checkbox"/> Development Coordinator (or) <input checked="" type="checkbox"/> Director	<input checked="" type="checkbox"/> Legal Department
City Council	<input type="checkbox"/> Director <input type="checkbox"/> Appropriations/Finance	<input type="checkbox"/> Legal Department <input type="checkbox"/> Agenda Acceptance

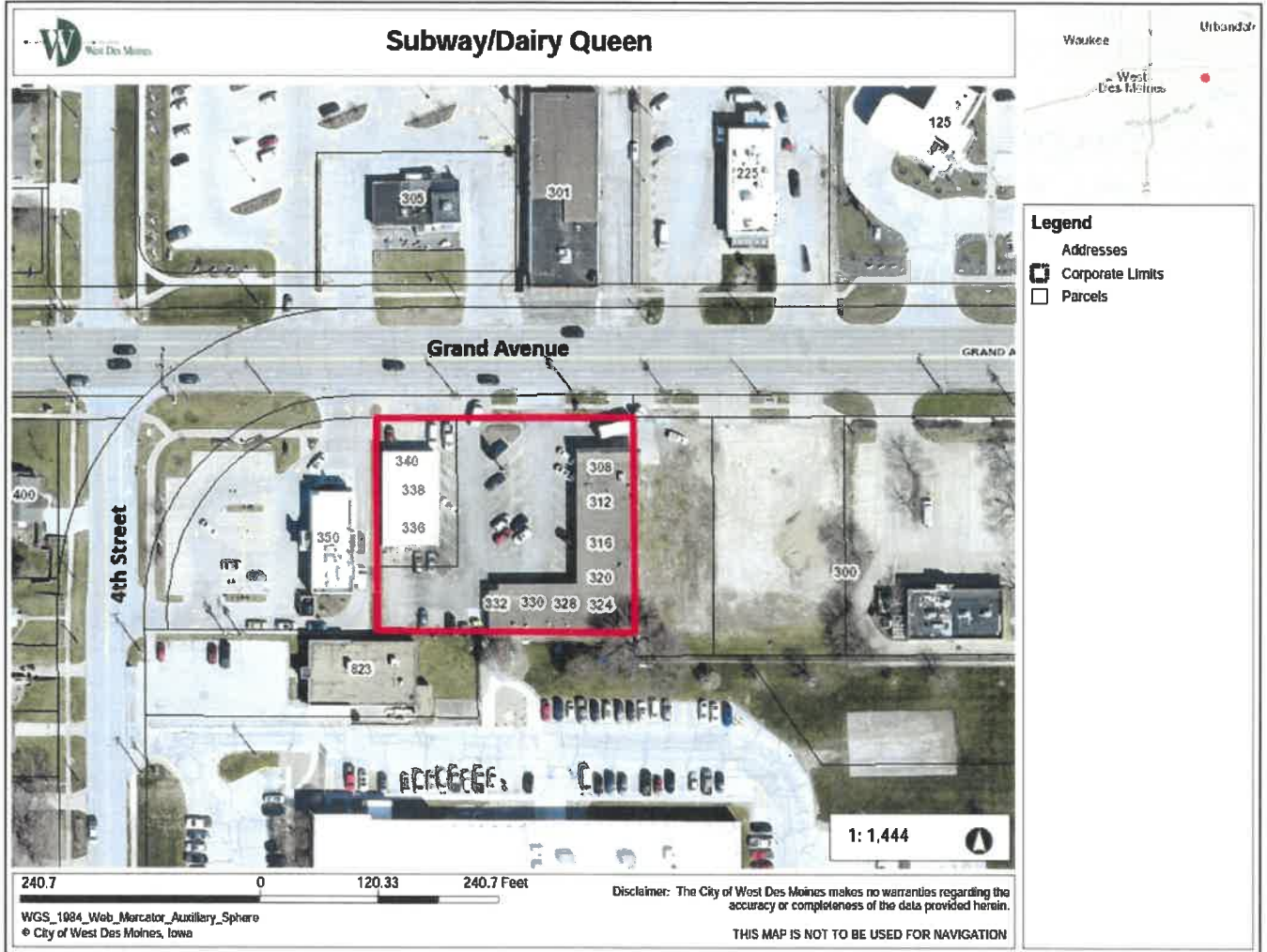
**Publications (if applicable)**

Published In:	Des Moines Register Community Section
Date(s) Published	n/a
Date(s) of Mailed Notices	n/a

**Council Subcommittee Review (if applicable)**

Subcommittee	Development & Planning
Date Reviewed	4/4/22
Recommendation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Split

# Location Map



**INSERT SITE PLAN DRAWINGS HERE**

**A RESOLUTION OF THE PLAN AND ZONING COMMISSION  
NO. PZC-042**

**WHEREAS**, pursuant to the provisions of Title 9, Zoning of the West Des Moines Municipal Code, the property owner, Real Estate Holdings II, LLC, request approval of the Level 1 Minor Modification to Site Plan for the approximately 0.67-acre property located at 308 – 340 Grand Avenue. The property owner proposes to modify the existing parking lot on the site to improve site circulation within the site and the connection to the adjoining property.

**WHEREAS**, the Minor Modification Level 1 request complies with the findings stated in the applicable provisions of the Comprehensive Plan and City Code.

**WHEREAS**, with the exceptions as noted in the staff report, the Minor Modification Level 1 request complies with the findings stated in the applicable provisions of Title 9.

**NOW THEREFORE**, the Plan and Zoning Commission of the City of West Des Moines recommends the City Council approve the Level 1 Minor Modification to Site Plan (MML1-005549-2022), subject to compliance with all the conditions of approval as stated in the staff report, including conditions added at the meeting, and attached hereto as Exhibit "A", if applicable.

**PASSED AND ADOPTED** on April 25, 2022.

\_\_\_\_\_  
Jennifer Drake, Chair  
Plan and Zoning Commission

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 on April 25, 2022, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

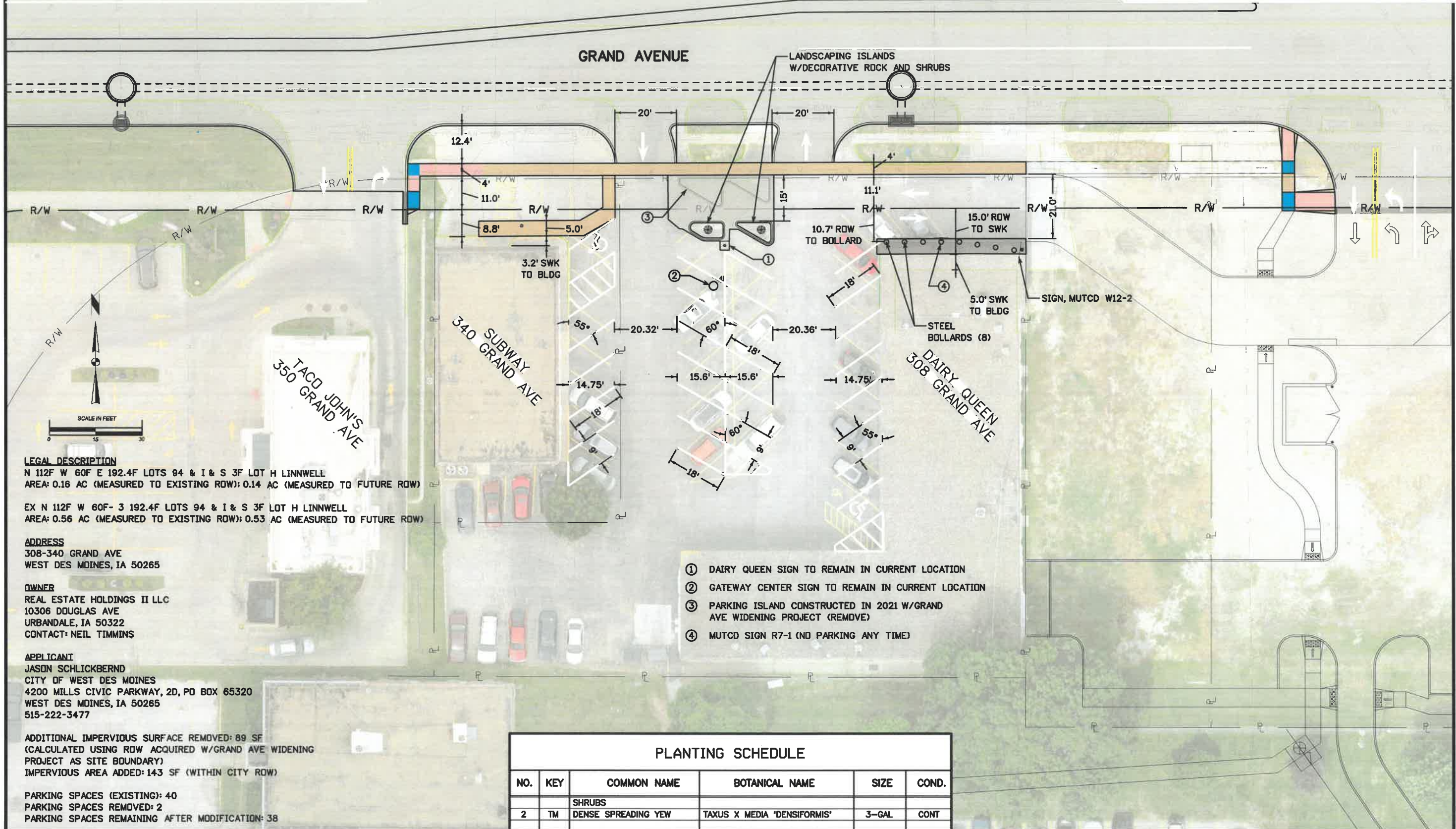
ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary

# SUBWAY/DAIRY QUEEN PARKING LOT MODIFICATIONS

PLANS INCLUDED ARE FOR ILLUSTRATIVE PURPOSES ONLY – APPROVED PLANS ON FILE WITH THE CITY



**LEGAL DESCRIPTION**  
 N 112F W 60F E 192.4F LOTS 94 & I & S 3F LOT H LINNWELL  
 AREA: 0.16 AC (MEASURED TO EXISTING ROW); 0.14 AC (MEASURED TO FUTURE ROW)  
 EX N 112F W 60F- 3 192.4F LOTS 94 & I & S 3F LOT H LINNWELL  
 AREA: 0.56 AC (MEASURED TO EXISTING ROW); 0.53 AC (MEASURED TO FUTURE ROW)

**ADDRESS**  
 308-340 GRAND AVE  
 WEST DES MOINES, IA 50265

**OWNER**  
 REAL ESTATE HOLDINGS II LLC  
 10306 DOUGLAS AVE  
 URBANDALE, IA 50322  
 CONTACT: NEIL TIMMINS

**APPLICANT**  
 JASON SCHLICKBERND  
 CITY OF WEST DES MOINES  
 4200 MILLS CIVIC PARKWAY, 2D, PO BOX 65320  
 WEST DES MOINES, IA 50265  
 515-222-3477

ADDITIONAL IMPERVIOUS SURFACE REMOVED: 89 SF  
 (CALCULATED USING ROW ACQUIRED W/GRAND AVE WIDENING PROJECT AS SITE BOUNDARY)  
 IMPERVIOUS AREA ADDED: 143 SF (WITHIN CITY ROW)

PARKING SPACES (EXISTING): 40  
 PARKING SPACES REMOVED: 2  
 PARKING SPACES REMAINING AFTER MODIFICATION: 38

- ① DAIRY QUEEN SIGN TO REMAIN IN CURRENT LOCATION
- ② GATEWAY CENTER SIGN TO REMAIN IN CURRENT LOCATION
- ③ PARKING ISLAND CONSTRUCTED IN 2021 W/GRAND AVE WIDENING PROJECT (REMOVE)
- ④ MUTCD SIGN R7-1 (NO PARKING ANY TIME)

## PLANTING SCHEDULE

NO.	KEY	COMMON NAME	BOTANICAL NAME	SIZE	COND.
		SHRUBS			
2	TM	DENSE SPREADING YEW	TAXUS X MEDIA 'DENSIFORMIS'	3-GAL	CONT

4/12/2022 bsmith P:\1609605\cadd\design\Mtror\_Modification.dgn