

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

**Meeting Date:** April 6, 2016

**Item:** Kum & Go #532, 5901 Mills Civic Parkway, Building 2000 – Construct a 6,321 sq. ft. convenience store with six fuel pumps – Kum & Go, LLC  
OSP-002563-2014

**Requested Action:** Approval of a Permitted Conditional Use Permit

**Case Advisor:** Kara Tragesser, AICP 

**Applicant's Request:** Kum & Go, LLC, requests approval of a Town Center Overlay District site plan for the construction of a 6,321 sq. ft. convenience store with six fuel pumps (12 fueling stations) at 5901 Mills Civic Parkway, Building 2000 within the Mills Crossing development (see Attachment B – Location Map, Attachment C – Site Plan, Attachment D – Elevations).

**History:** The Mills Crossing Specific Plan was approved by the City Council on November 3, 2014. In March 2015 a 69,225 square feet multi-tenant retail building was approved for the Mills Crossing development and in May 2015 a coffee/bagel shop was approved for the development. This will be the third building approved for the Mills Crossing development.

**City Council Subcommittee:** This item was presented to the Development and Planning City Council Subcommittee on June 19, 2014, February 8, 2015, April 9, 2015, February 22, 2016, and March 21, 2016. With the exception of the March 8<sup>th</sup> and 21<sup>st</sup> meetings, discussions at all other meetings focused on the orientation of the store and location of the gasoline canopy. Discussions at the March 8<sup>th</sup> meeting were directed at the use of bollards along the store front in lieu of required curbing and the implementation of an ampersand element (see comment below). The March 21<sup>st</sup> meeting discussion centered on the introduction of a red architectural element (see comment below). The Subcommittee is supportive of the project.

**Staff Review and Comment:** This request was distributed to other City departments and other agencies for their review and comment.

**Store & Canopy orientation:** The Town Center Overlay District aims to minimize the presence of vehicle use elements. The applicant originally proposed placing the canopy adjacent and parallel with Mills Civic Parkway resulting in it being the first element encountered at the corner. The applicant has since agreed to orient the store north-south along S. Prairie View Dr with the canopy west of the store and perpendicular to Mills Civic Parkway. The interior orientation of the vehicle use elements is consistent with the intent of the overlay district and in keeping with the manner in which Casey's (the other convenience store within the district) is oriented.

**Ampersand Symbol:** Kum & Go's business model involves the installation of an 8' tall ampersand symbol at each of their stores (see Attachment E – Ampersand Symbol). The applicant proposes that this symbol will be treated like a sculpture with local artists or community members designing and implementing the surface designs on the symbol. While the ampersand is a brand element of Kum & Go and intended to be implemented at various stores, the applicant indicates that the symbol will not be painted or clad in corporate colors, but will be painted differently for every store; hopefully with local artists doing the work. This was 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 as a sign.

**Red blade wall:** The applicant proposes a vertical red blade wall as an architectural element of the building (see Attachment D – Elevations). The red color is not a part of the approved specific plan materials and colors palette. Because of the orientation of the front of the store to the west and interior to the development, it is anticipated that there will be very limited visibility of the red element. Additionally, the grade of the site is lower than the adjacent public streets and with buffer and site landscape plantings, the visibility of the red blade wall from the public street is further mitigated. Staff, in conjunction with the Development and Planning Subcommittee, determined that the limited views of the element would render it an accent color, rather than a primary color that would need to be included in the specific plan materials

and colors palette. Viewing this as an accent color negates the need to incorporate the red color throughout the development as would have been required if red was part of the development's primary materials and color palette. Staff notes that the red color is equal to about five percent of the west façade square footage.

**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 6,321 sq. ft. convenience store with six fuel pumps at 5901 Mills Civic Parkway Building 2000, subject to the applicant meeting all City Code requirements and the following:

1. A storm water compliance letter and drainage map be submitted to the City confirming that the site is in conformance with the approved storm water management plan for Mills Crossing.
2. That the site landscaping associated with this building and site be installed prior to issuance of any occupancy permit, including temporary occupancy permits or surety provided in the amount of 1 ½ times the bid amount for materials and installation for a temporary occupancy permit to be issued.
3. Prior to any building permit, the applicant submitting final site plan drawings for approval stamping.

**Property Owner:** Hurd Mills LLC  
2000 Fuller Road  
West Des Moines IA 50265  
Attn: Richard Hurd  
Richard.hurd@hur Realty.com

**Applicant** Kum & Go, LC  
6400 Westown Parkway  
West Des Moines IA 50266

**Applicant's Representatives:** Ed Arp  
Civil Engineering Consultants  
2400 86<sup>th</sup> Street, Ste 12  
Des Moines IA 50322  
515-276-4884  
arp@ceclac.com

**ATTACHMENTS:**

Attachment A	±	Resolution
Attachment B	-	Location Map
Attachment C	-	Site Plan
Attachment D	-	Elevations
Attachment E	-	Ampersand Symbol

RESOLUTION NO. PZC

**A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING A PERMITTED CONDITIONAL USE PERMIT TO CONSTRUCT A 6,321 SQUARE FOOT CONVENIENCE STORE WITH SIX FUEL PUMPS AT 5901 MILLS CIVIC PARKWAY BUILDING 2000**

**WHEREAS**, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant, Kum & Go LLC, has requested approval of Permitted Conditional Use Permit (PC-003038-2016) to construct a 6,321 square foot convenience store with six fuel pumps (12 fueling stations) at 5901 Mills Civic Parkway Building 2000, and legally described as;

Legal Description of Property

Lot 1 Mills Crossing Plat 1, an official plat now in and forming a part of the City of West Des Moines, Polk 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 April 6, 2016, the Board of Adjustment held a duly-noticed public hearing to consider the application for Permitted Conditional Use Permit (PC-003038-2016);

**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 5901 Mills Civic Parkway Building 2000 is assigned to this site.

SECTION 3. The PERMITTED CONDITIONAL USE PERMIT (PC-003038-2016) for the construction of a 6,321 square foot convenience store with six 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 April 6, 2016.

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Erik P. Christiansen, Chair  
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 April 6, 2016, by the following vote:

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

ATTEST:

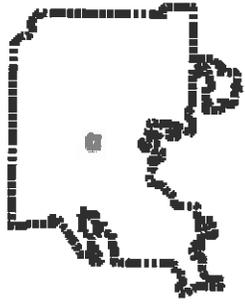
\_\_\_\_\_  
Recording Secretary

**Exhibit A**  
**CONDITIONS OF APPROVAL**

1. A storm water compliance letter and drainage map be submitted to the City confirming that the site is in conformance with the approved storm water management plan for Mills Crossing.
2. That the site landscaping associated with this building and site be installed prior to issuance of any occupancy permit, including temporary occupancy permits or surety provided in the amount of 1 ½ times the bid amount for materials and installation for a temporary occupancy permit to be issued.
3. Prior to any building permit, the applicant submitting final site plan drawings for approval stamping.



# 5901 Mills Civic Parkway Bldg 2000



### Legend

- Parcels
- Parks
- Greenways



1: 2,730

455.0 Feet

227.52

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Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION





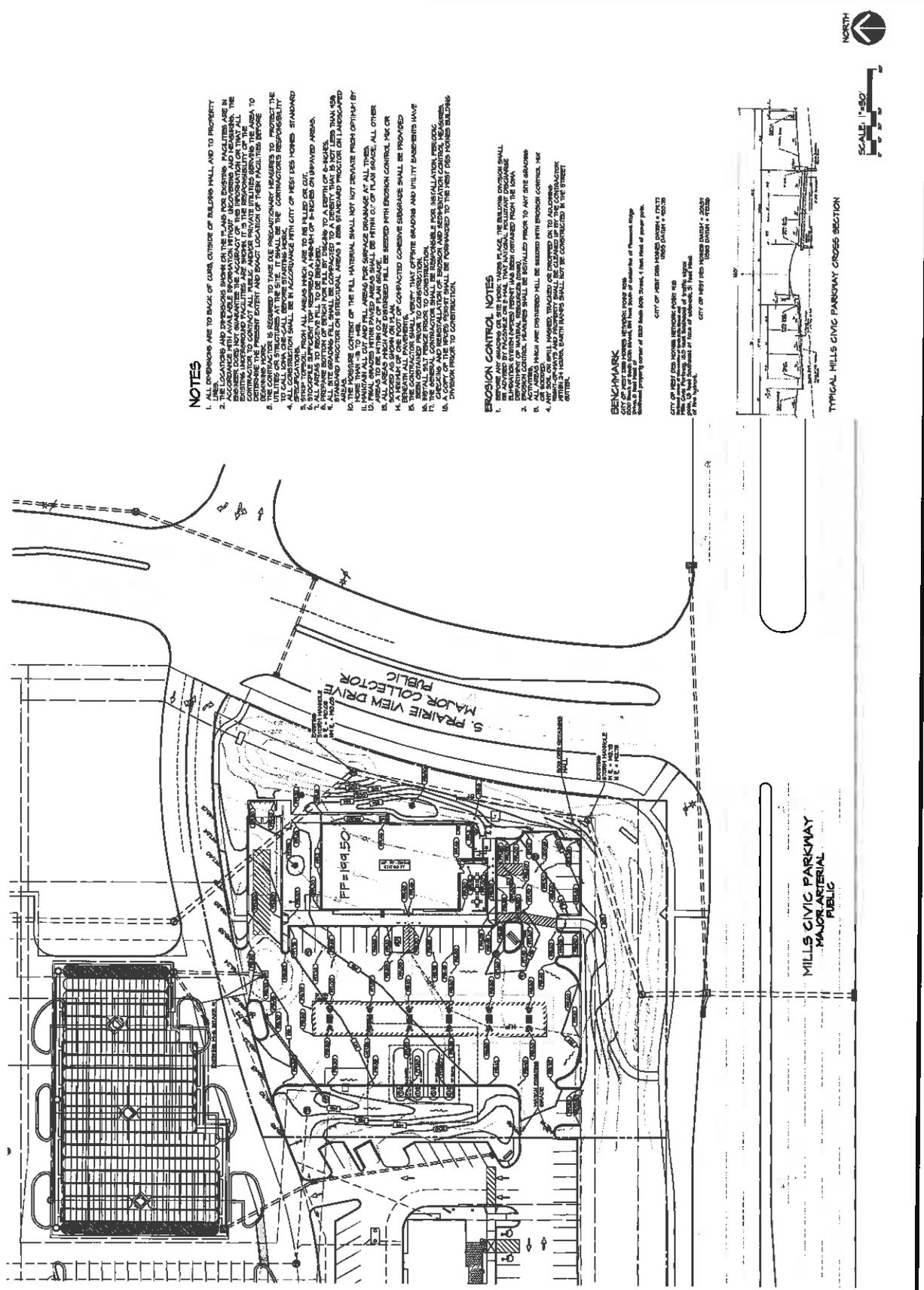


8400 Westown Parkway  
 West Des Moines, Iowa  
 P: 515-226-8103  
 F: 515-223-9773

#532 - WEST DES MOINES, IOWA  
 5901 MILLS CIVIC PARKWAY, BLDG 2000  
 GRADING SHEET

DATE	REVISION DESCRIPTION

DATE: 05/05/18  
 SHEET NUMBER: C3.0  
 3 OF 5  
 CEMENT PLAN PRINTED



**NOTES**

1. ALL IMPROVEMENTS ARE TO BE BACK OF CURB, OUTSIDE OF BUILDING WALL, AND TO PROPERTY LINE.
2. THE LOCATIONS AND DIMENSIONS SHOWN ON THE PLAN FOR EXISTING FACILITIES ARE IN ACCORDANCE WITH AVAILABLE INFORMATION WITHOUT GUARANTEES AND WARRANTIES. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND DIMENSIONS OF ALL EXISTING FACILITIES AND SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES TO BE DELETED AND THE LOCATION OF ALL UTILITIES TO BE MAINTAINED.
3. THE CONTRACTOR IS RESPONSIBLE TO TAKE THE NECESSARY MEASURES TO PROTECT THE UTILITIES OR STRUCTURES AT THE SITE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES TO BE MAINTAINED.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF WEST DES MOINES STANDARD SPECIFICATIONS FOR CONSTRUCTION.
5. STREETS SHALL BE FULLY OPEN TO TRAFFIC WITHIN 48 HOURS OF COMPLETION OF THE WORK.
6. ALL AREAS TO BE GRADED SHALL BE TO BE GRADED TO A FINISH OF 6-INCHES OR MORE ABOVE FINISH GRADE.
7. ALL AREAS TO BE GRADED SHALL BE TO BE GRADED TO A FINISH OF 6-INCHES OR MORE ABOVE FINISH GRADE.
8. ALL AREAS TO BE GRADED SHALL BE TO BE GRADED TO A FINISH OF 6-INCHES OR MORE ABOVE FINISH GRADE.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES TO BE MAINTAINED.
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**EROSION CONTROL NOTES**

1. BEFORE ANY GRADING OR SITE WORK TAKES PLACE, THE BUILDING DESIGNER SHALL BE ADVISED BY PARAGRAPH ONE (1) OF THE NATIONAL POLLUTION CONTROL ACT (NPDES) PERMITTING PROGRAM.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE LOCATION OF ALL UTILITIES TO BE MAINTAINED.
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**BENCHMARK**

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 CITY OF WEST DES MOINES BENCHMARK # 120

