

 <p style="text-align: center;"><b>Council Communication</b> Office of the City Manager</p>	<b>Date:</b> January 25, 2016
	<b>Agenda Item No.</b> 52 <b>Roll Call No.</b> <u>16-0162</u> <b>Communication No.</b> <u>16-054</u> <b>Submitted by:</b> Phillip Delafield, Community Development Director

**AGENDA HEADING:**

Public hearing regarding request from QuikTrip Corporation appealing the November 19, 2015 Plan and Zoning Commission decision to deny a convenience store site plan for 1200 Keosauqua Way.

**SYNOPSIS:**

The Plan and Zoning Commission denied QuikTrip’s site plan request by a vote of 5-3-1 on the basis that the site plan failed to comply with the Downtown Overlay District Design Guidelines and the Gas Station/Convenience Store Site Plan Design Guidelines. In the absence of a request for continuance by the applicant or resolution of traffic flow and access issues (including cost share agreements for design and construction of transportation network improvements to the reasonable satisfaction of the City Council), staff recommends that the City Council uphold the Plan and Zoning Commission’s decision to deny the site plan.

**FISCAL IMPACT: NONE**

**ADDITIONAL INFORMATION:**

The Plan and Zoning Commission’s denial of QuikTrip’s site plan was based upon a failure to comply with the Downtown Overlay District Design Guidelines and the Gas Station/Convenience Store Site Plan Design Guidelines as noted in the attached communication from the Plan and Zoning Commission. In addition to building placement and massing concerns, the staff report specifically noted:

*“This site is in close proximity to the established urban development pattern of the downtown core. Development on this site should continue this pattern and not reinforce the underutilization of land that occurs in much of the northern portion of the downtown.*

*A standalone convenience store with fuel sales at this site is not consistent with the “What’s Next Downtown Plan”, which envisions a dense and pedestrian-friendly downtown. The site is identified as being located in the Oakridge planning area. The “What’s Next Downtown Plan” indicates this area should develop in a mixed-use, pedestrian-friendly manner that integrates the area with the rest of the downtown. The proposal would not accomplish this vision. The negative impact of a convenience store at this site to the character of the downtown would be exacerbated by the fact that two auto-oriented convenience stores (Git-N-Go and Kum & Go) already exist directly northwest of this site along the Keosauqua Way corridor.”*

The current owner of the subject property (Mandlebaum) noted at the Plan and Zoning Commission hearing that proceeds from the sale of the property to QuikTrip would provide a portion of the financing necessary to complete the Des Moines Arts project which would create artist studios at 900 Keosauqua Way.

QuikTrip's site plan proposal was supported by the current property owner (Mandlebaum), applicant (QuikTrip), some adjoining property owners (Clark) and numerous citizens/artists/prospective tenant who are in need of artist studio space. However, the site plan (in its current form) and request to vacate Center Street right-of-way was opposed by UnityPoint Health (represented by William J Lillis) based upon traffic concerns and impacts to emergency and patient traffic flow in the vicinity of the UnityPoint-Methodist Hospital campus.

QuikTrip Corporation has elected not to submit an in-depth traffic study as requested by Traffic and Transportation staff. QuikTrip has noted that the cost of such a study is significant and the expenditure for such a study is unnecessary if they are unable to obtain relief to several of the Downtown Overlay District Design Guidelines and the Gas Station/Convenience Store Site Plan Design Guidelines.

On January 5, 2016 consultants for UnityPoint Health met with City staff and provided preliminary findings for a Traffic Impact Study that was prepared on behalf of UnityPoint Health. Their findings identify existing congestion and deficiencies in the vicinity of the 12<sup>th</sup> Street and Center Street intersection to which UnityPoint Health is a major contributing factor. One (1) preliminary design solution that UnityPoint Health representatives presented would result in 6-lane roadway cross section for 12<sup>th</sup> Street between Center Street and Keosauqua Way (providing one (1) combined through travel/right-turn lane and two (2) left turn lanes for north bound traffic; providing one (1) through travel lane, one (1) right-turn lane, and one (1) left-turn lane for southbound traffic). The solution would require all existing right-of-way and additional right-of-way dedication from the proposed QuikTrip site.

On January 19, 2016 consultants for QuikTrip submitted a memorandum in response to the preliminary findings submitted by UnityPoint Health. The QuikTrip memorandum notes significant impacts to the QuikTrip site that would be created by UnityPoint's proposed 6-lane roadway cross section, including but not limited to a failure of the QuikTrip Site Plan to provide the minimum open space that is required by the convenience store site plan design guidelines. QuikTrip also submitted an alternate design for 12<sup>th</sup> Street that would result in a 4-lane cross section (providing one (1) combined through/right/left turn lane and one (1) left turn lane for northbound traffic; providing on through/right turn lane and one (1) left turn lane for southbound traffic). The cross section is less impactful to the QuikTrip site and preserves the opportunity to install a convenience store access drive on 12<sup>th</sup> street, but will likely not resolve UnityPoint's concerns.

While Traffic and Transportation staff have reviewed both memorandums and the alternate designs identified to date, QuikTrip's failure to submit a complete traffic study presents a major hindrance to resolving issues with traffic flow and access onto 12<sup>th</sup> Street and the intersection of 12<sup>th</sup> Street and Keosauqua Way. UnityPoint is a major contributor to the existing stressed intersection and QuikTrip's site plan will create additional impacts. Additional design alternatives must be considered in the context of yet to be finalized improvements for Keosauqua Way and the yet to be completed Downtown Walkability study. Staff believes that a design for necessary improvements and cost sharing for the construction of these traffic improvements to the reasonable satisfaction of the City Council, is necessary.

In the absence of a request for continuance by the applicant or resolution of traffic flow and access issues (including cost share agreements for design and construction of transportation network improvements to the reasonable satisfaction of the City Council), staff recommends that the City Council uphold the Plan and Zoning Commission's decision to deny the site plan.

If the City Council chooses to overturn the Plan and Zoning Commission's denial of the site plan, staff recommends that such decision be subject to the following conditions:

- a) Compliance with the standard engineering and Building Code requirements;
- b) Conforming to the applicable landscape standards; and
- c) Resolving the issues with traffic flow and access onto 12<sup>th</sup> Street and the intersection of 12<sup>th</sup> Street and Keosauqua Way including appropriate cost sharing for the study, design and construction of any necessary traffic improvements to the reasonable satisfaction of the City Council.

#### **PREVIOUS COUNCIL ACTION(S):**

Date: January 11, 2016

Roll Call Number: [16-0065](#)

Action: [On](#) appeal by QuikTrip Corporation seeking approval of a site plan for a convenience store at 1200 Keosauqua Way and 1201 Center Street. Moved by Hensley to continue the public hearing on this matter until January 25, 2016 at 5:00 PM in the Council Chambers. Motion Carried 7-0.

Date: December 21, 2015

Roll Call Number: [15-2119](#) and [15-2120](#)

Action: [On](#) appeal by QuikTrip Corporation of the Plan and Zoning Commission recommendation to deny a site plan titled "QuikTrip No. 0526" under design guidelines for gas stations/convenience stores for property at 1200 Keosauqua Way and 1201 Center Street, (1-11-16). Moved by Mahaffey to adopt. Motion Carried 7-0.

- (A) [Receive](#) and file communication from the Plan and Zoning Commission. Moved by Mahaffey to receive and file the attached communication from the Plan and Zoning Commission. Motion Carried 7-0.

#### **BOARD/COMMISSION ACTION(S):**

Board: Plan and Zoning Commission

Date: November 19, 2015

Resolution Number: 10-2016-7.19 and 11-2015-1.24

Action: Part A) Denial of the proposed vacation of right-of-way as the proposed development that it would be incorporated with does not comply with the Downtown Overlay District Design Guidelines

and the Gas Station/Convenience Store Site Plan Design Guidelines. Therefore, it is not in the public's interest to vacate the subject right-of-way; and

Part B) Denial of the proposed Site Plan for failure to comply with the Downtown Overlay District Design Guidelines as contained in Chapter 82-214.9 of the City Code and the Gas Station/Convenience Store Site Plan Design Guidelines as contained in Chapter 82-214.8 of the City Code as noted in this staff report.

**ANTICIPATED ACTIONS AND FUTURE COMMITMENTS:**

If the site plan is approved with conditions as noted, City Council would need to review and approve cost share agreements for the study, design and construction of necessary traffic improvements to the reasonable satisfaction of the City Council.

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