

Date November 23, 2009

**RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL BY
CASEY'S MARKETING COMPANY OF THE CONDITIONAL APPROVAL
OF A SITE PLAN FOR 6120 DOUGLAS AVENUE**

WHEREAS, on November 5, 2009, the City Plan and Zoning Commission approved a site plan submitted by Casey's Marketing Company for a new Casey's convenience store to be constructed at 6120 Douglas Avenue upon the site of the former Garcia's Restaurant, subject to several conditions, including the following:

2. A 24 foot wide access shall be provided to the property to the west at a mutually agreed upon location between the two property owners should the adjoining site to the west be redeveloped.

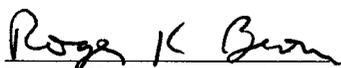
WHEREAS, Casey's Marketing Company has timely appealed to the City Council pursuant to §58-31(f) of the Des Moines Municipal Code, seeking to have this condition removed from the approval of its site plan; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. The City Council shall consider the appeal by Casey's Marketing Company at a public hearing to be held on December 7, 2009, at 5:00 p.m., in the Council Chambers.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:



Roger K. Brown, Assistant City Attorney

C:\Rog\Zoning\Site Plan\Casey's\RC Set Hrg.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

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CASEY'S GENERAL STORES, INC.

P.O. Box 3001 • One Convenience Blvd., Ankeny, Iowa 50021-8045 • 515-965-6100

Sender's Direct-Dial Telephone Number: 515-965-6284

E-mail Address: doug.beech@caseys.com

Fax Number: 515-965-6160

November 17, 2009

Via E-mail – ldhulse@dmgov.org
and Regular Mail

City of Des Moines
Attn: Larry Hulse, Community Development Director
602 Robert D. Ray Drive
Des Moines, IA 50309

RE: Casey's Marketing Company's Appeal of a
Portion of the Recommendation of the Des
Moines Planning & Zoning Commission

Dear Mr. Hulse:

Please consider this correspondence Casey's Marketing Company's ("Casey's") appeal to the Des Moines City Council of a portion of the Des Moines City Planning & Zoning Commission action on Casey's site plan which was taken on November 5, 2009. This appeal to the City Council is being taken pursuant to Section 82.210 of the Des Moines Municipal Code.

Casey's is appealing the Commission action approving Casey's site plan, subject to the following: "2. A 24 foot wide access shall be provided to the property to the west at a mutually agreed upon location between the two property owners should the adjoining site to the west be redeveloped." Casey's is requesting that the City Council approve Casey's site plan to develop the closed Garcia's property without it being subject to the aforementioned requirement.

Casey's and the neighboring property owner to the West, Douglas Dental, have numerous concerns regarding the aforementioned requirement, some of which are as follows:

1. Surface Water and Detention Issues. Casey's has engineered and designed the west side of this property to alleviate the continual water problems of the Douglas Dental property owned by Dr. Dwight Rastetter. To require a joint approach between the properties would require substantial engineering on both sides of the property and once again cause concerns regarding the ongoing drainage issues for both properties.

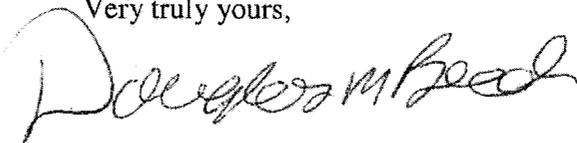
- 2. Inadequate Connection Points. Due to the rerouting of the storm drainage on the east side of the proposed Casey's property, the underground storage tanks are located along the western boundary of the property. Because of the refueling needs of Casey's tanker trucks and other truck deliveries, the property is not conducive to a 24 foot interconnection between the two properties.
- 3. Incompatible Use. Dr. Rastetter is not in favor of having Casey's trucks and vehicle traffic drive through his dental office.

For the following reasons, Casey's would ask that the Des Moines City Council overturn the requirement of a 24 foot access between the Casey's property and the Douglas Dental property.

Casey's would ask that this be placed on the Council agenda for November 23, 2009, and be set for consideration by the Council at its meeting on December 7, 2009.

Casey's would ask that if you have any questions or need any further information, please feel free to contact me.

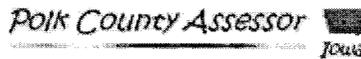
Very truly yours,



Douglas M. Beech
Legal Counsel

DMB/slc
pc: Ryan Moffatt, City of Des Moines
Wally Pelds
Kirk Haworth/Melani Samora

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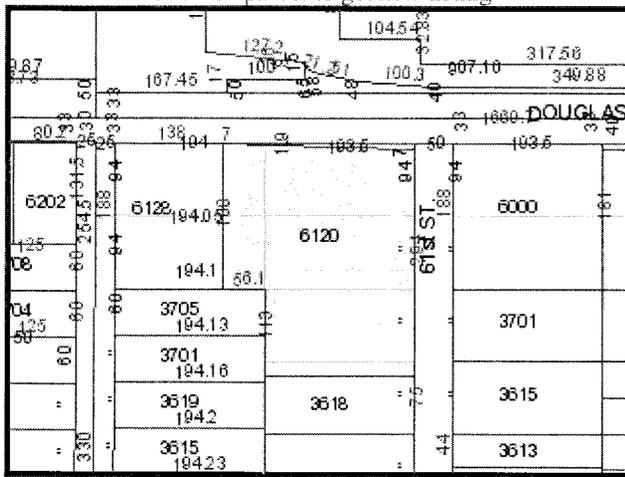


[Home] [General Query] [Legal Query] [HomeOwner Query] [Book/Page Query] [Commercial Query] [Res Sales Query] [Comm Sales Query] [Help]

District/Parcel	GeoParcel	Map	Nbhd	Jurisdiction	Status
100/02899-004-000	7925-25-226-020	0735	DM63/Z	DES MOINES	ACTIVE
School District	Tax Increment Finance District	Bond/Fire/Sewer/Cemetery			
1/Des Moines	131/DM Merle Hay Com UR				
Street Address			City State Zipcode		
6120 DOUGLAS AVE			DES MOINES IA 50322		

Click on parcel to get new listing

Get Bigger Map



Approximate date of photo 11/11/2005

Mailing Address
ROBERT J CONLEY FAMILY, LC 1050 6TH AVE DES MOINES, IA 50314-2606

Legal Description
-EX N 7F ON E LN & N 1.9F ON W LN- LT 85 & ALL LTS 86 & 87 & N 19F LT 88 & -EX W 138F -LT 125 & -EX TRI PC BNG N 1.9F ON E LN & E 49F ON N LN- & -EX W 138F- LT 126 CLOVER ACRES

Ownership	Name	Transfer	Book/Page	RevStamps
Title Holder #1	ROBERT J CONLEY FAMILY, LC	2008-07-17	12720/233	
Title Holder #2	TRAVISS FAMILY INVESTMENTS, LLC			

Assessment	Class	Kind	Land	Bldg	AgBd	Total
Current	Commercial	Full	343,500	71,500	0	415,000

November 6, 2009

Phil Delafield
Permit & Development Administrator
Permit & Development Center

Communication from the City Plan and Zoning Commission advising that at their meeting held November 5, 2009, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
JoAnne Corigliano	X			
Shirley Daniels	X			
Jacqueline Easley	X			
Dann Flaherty	X			
Ted Irvine	X			
Jeffrey Johannsen				X
Greg Jones	X			
Jim Martin	X			
Brian Millard				X
William Page				X
Mike Simonson	X			
Kent Sovern	X			



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
602 ROBERT D. RAY DRIVE
DES MOINES, IOWA 50309-1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

APPROVAL of a request from Casey's Marketing Company (developer) represented by Michael R. Richardson (officer) for review and approval of a Site Plan under design guidelines for convenience stores and gas stations on property located at 6120 Douglas Avenue, to allow development of a 3,920 square-foot convenience store with a 7,524 square-foot pump island canopy and 16 fueling stations subject to the following: 10-2010-7.22

1. Compliance with all administrative review comments by the Permit and Development Administrator.
2. A 24 foot wide access shall be provided to the property to the west at a mutually agreed upon location between the two property owners should the adjoining site to the west be redeveloped.
3. Re-routing the proposed pedestrian connection from the retail building entrance to the public sidewalk in 61st Street so that it is located along the south edge of the parking area east of the building.
4. Modification of the proposed trash enclosure and can recycling shed designs to be architecturally compatible with the primary commercial building. The trash enclosure shall have opaque metal gates.
5. Provision of a site wall to match the architecture of the building, a solid wood fence, or a dark solid vinyl or metal panel screening system for mechanical equipment south of the building in lieu of the proposed chain-link fence with slats.

6. Relocation of the proposed monument sign outside the vision clearance triangle for the intersection of 61st Street and Douglas Avenue. Any monument sign should also be comprised of materials that are compatible with the primary architecture of the building and subject to review and approval by the CD Director.
7. Modification of the overall canopy height to a maximum of 18 feet-9 inches with a clearance height of at least 13-feet, 9-inches.
8. Provision of two additional over-story tree plantings within the south and southwest buffer yard planting area.
9. Demonstration that the Encore Top Access Focus flood light fixtures will not project below the pump island canopy with their source visible from the any adjoining property.
10. Provision of a compliant photometric prior to final approval.
11. Provision of elevations details for site lighting that is not mounted on the building with all pole heights at 20 feet or lower.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested Site Plan subject to the following:

1. Compliance with all administrative review comments by the Permit and Development Administrator.
2. Provision of a shared-access drive connection with the commercial property to the west.
3. Re-routing the proposed pedestrian connection from the retail building entrance to the public sidewalk in 61st Street so that it is located along the south edge of the parking area east of the building.
4. Modification of the proposed trash enclosure and can recycling shed designs to be architecturally compatible with the primary commercial building. The trash enclosure shall have opaque metal gates.
5. Provision of a site wall to match the architecture of the building, a solid wood fence, or a dark solid vinyl or metal panel screening system for mechanical equipment south of the building in lieu of the proposed chain-link fence with slats.
6. Relocation of the proposed monument sign outside the vision clearance triangle for the intersection of 61st Street and Douglas Avenue. Any monument sign should also be comprised of materials that are compatible with the primary architecture of the building and subject to review and approval by the CD Director.
7. Modification of the overall canopy height to a maximum of 18 feet with a clearance height of at least 13-feet, 9-inches.
8. Provision of two additional over-story tree plantings within the south and southwest buffer yard planting area.
9. Demonstration that the Encore Top Access Focus flood light fixtures will not project below the pump island canopy with their source visible from the any adjoining property.
10. Provision of a compliant photometric prior to final approval.

11. Provision of elevations details for site lighting that is not mounted on the building with all pole heights at 20 feet or lower.

STAFF REPORT

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant proposes development of a 3,920 square-foot convenience store with a 7,524 square-foot pump island canopy and 16 fueling stations.
2. **Size of Site:** 1.56 acres.
3. **Existing Zoning (site):** Limited "C-2" General Retail and Highway Oriented Commercial District.
4. **Existing Land Use (site):** Vacant 9,179 square foot restaurant building with accessory paved parking area.

5. **Adjacent Land Use and Zoning:**

North – "C-2" and "C-4", Uses are vacant restaurant and Merle Hay Mall regional commercial center.

South – "R1-60", Uses are single-family dwellings.

East – "R-3", Uses are off-street parking for an office building and multiple-family residential apartment dwelling.

West – "C-2" and "R1-60", Uses are dental offices and single-family dwellings.

6. **General Neighborhood/Area Land Uses:** The subject property is located on Douglas Avenue two blocks west of Merle Hay Road and south of the Merle Hay Mall. This is all within the greater Merle Hay Road commercial corridor.
7. **Applicable Recognized Neighborhood(s):** Merle Hay Neighborhood.
8. **Relevant Zoning History:** The City Council rezoned the property to a Limited "C-2" General Retail and Highway Oriented Commercial District on October 12, 2009 with the following conditions:

- A) Prohibit use of the property for the following:

- 1) Adult entertainment business.
- 2) Vehicle display.
- 3) Off-premises advertising signs.
- 4) Package goods stores for sale of liquor.
- 5) Taverns/nightclubs.
- 6) Pawn shops.
- 7) Financial service centers that provide check cashing and loans secured by post dated checks or payroll guarantee as their primary activity.
- 8) Communication towers.

- B) Any commercial building along with any associated gas canopy supports, and utility/trash enclosures shall be required to be constructed primarily of brick, masonry block or stone on all exterior walls.

9. 2020 Community Character Land Use Plan Designation: Commercial: Auto-Oriented, Small-Scale Strip Development.

10. Applicable Regulations: Any Site Plan application which includes property used as a gas station or convenience store shall be approved by the Plan and Zoning Commission if the proposed Site Plan conforms with the design regulations in Section 82-213 and the following additional design guidelines, unless the commission determines that the construction and use of the site will have a significant detrimental impact on the use and enjoyment of adjoining residential uses:

1. Site Design.

A. The optimal layout of any individual site requires an in-depth understanding of local context and a thorough site analysis. The components of a gas station and convenience store to be considered in site design include, but are not limited to:

- (i) Primary structure/retail sales building/single or multiple tenant;
- (ii) Pump island, canopy structure, and lighting;
- (iii) Refuse, service and storage area;
- (iii) Circulation systems and parking;
- (iv) Service bays;
- (v) Ancillary uses such as car washes, drive through uses, ATMs and telephones.

Staff believes that the building is appropriately sited on the property with the canopy separated from the neighborhood by the retail building.

B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.

The subject property is 1.56 acres.

C. Minimum open space should be 20 percent (20%) of the site or 1,000 square feet per vehicle fueling location, whichever is greater.

20% of the site is equivalent to 13,591 square feet and 16,000 square feet of open space is required for the proposed 16 fueling stations. 26,946 square feet of open space is provided. Therefore, the open space provided exceeds the minimum required under the site design guidelines for gas stations and convenience stores.

D. All development proposals should show evidence of coordination with the site plan as well as arrangement of buildings and planning elements of neighboring properties by:

- (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
- (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
- (iii) Minimizing cross traffic conflicts within parking areas.

Staff believes that there is opportunity for shared access with the adjoining office building site to west. The developer should seek cross access connections to this existing commercial site as a condition of approval for this convenience store site plan.

E. The site plan shall mitigate the negative impacts from site activities on adjoining uses as follows:

- (i) Service areas, storage areas and refuse enclosures should be oriented away from public view and screened from adjacent sites;
- (ii) Drive-through windows, menu boards and associated stacking lanes should be oriented away from residential areas or screened from public view;
- (iii) Auto repair bay openings and car-wash openings should be oriented away from residential uses;
- (iii) Lighting should be non-invasive to adjoining residential use.

Staff believes the existing site and the proposed amendment generally conform to these provisions. There are no auto repair bays or drive-through windows. The proposed screening method is discussed further within the landscape guidelines section of the report. The refuse container and beverage container recycling storage should be more appropriately screened with an enclosure that matches the architecture of the primary structure. Also staff does not believe the chain-link fencing with slats is the most appropriate method for screening the condenser units on the south side of the building which is oriented toward the residential neighborhood. Either a site wall to match the architecture of the building, a solid wood fence, or a dark solid vinyl or metal panel screening system would all be more appropriate alternatives.

- F. The site plan shall provide identifiable pedestrian access from adjoining public pedestrian routes through the site to the primary building and from accessory functions within the site. This can be accomplished by use of special paving colors or textures and appropriately scaled lighting.

Staff believes that the existing site conforms to this provision to some extent. However, the sidewalk connection proposed from the store to the public sidewalk on 61st Street should be rerouted along the south edge of the parking lot so that pedestrians are not walking behind parking spaces.

2. Architecture.

The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.

- A. Building design should consider the unique qualities and character of the surrounding area and be consistent with the city's 2020 Character Area Plans. Where character is not defined by 2020 Community Character Plan, building design should be of a high quality with primary use of durable materials such as masonry, block, or stone.

Staff believes that the articulated, brick exterior base and EIFS paneling proposed on the all sides of the building is appropriate for the neighborhood and meets the intent of the guideline.

- B. A facility occupying a pad or portion of a building within a larger commercial center should be designed to reflect the design elements of that center.

N/A.

- C. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.

N/A.

- D. All sides of a building should express consistent architectural detail and character, with a primary use of durable materials such as brick, masonry block, or in special instances a

predominant material found in the surrounding commercial area. Columns should be designed to minimize visual impact.

The proposed building is comprised primarily of brick on all four facades with EIFS paneling on upper portions of the walls.

- E. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.

The pump island canopy is proposed to have brick wrapped columns, neutral tan panels on the fascia and bronze cornices. This is compatible with the primary retail building.

- F. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.

The proposed design incorporates a molded cornice treatment above the roof parapet with soldier courses of brick at the tops of the wall columns.

- G. Perceived height and bulk should be reduced by dividing the building mass into smaller-scaled components. Examples of treatments that could be used to avoid excessive bulk and height include:

- (i) Low-scale planters and site walls.
- (ii) Wainscot treatment.
- (iii) Clearly pronounced eaves or cornices.
- (iv) Subtle changes in material color and texture.
- (v) Variation in roof forms.
- (vi) Covered pedestrian frontages and recessed entries.
- (vii) Deeply set windows with mullions.

The proposed design uses horizontal brick soldier coursing, brick column fenestration, variation in the roof line and an articulated molded cornice parapet design to comply with this guideline.

- H. Canopies:

- (i) Integration of materials on canopies that are similar or compatible to those used on the building or site walls is desirable (e.g., wrap the canopy columns with brick that matches the building). Multiple canopies or canopies that express differing masses are encouraged.
- (ii) Canopy height should not be less than 13'-9" as measured from the finished grade to the lowest point on the canopy fascia. The overall height of canopies should not exceed 18'.

The pump island canopy is proposed with a 16'-6" clearance from grade and a 20'-3" overall height. Staff believes the canopy should be adjusted to meet these requirements by lowering the clearance to 14'-3".

- I. All display items for sale, excluding seasonal items (i.e., sand, salt, pop, firewood) should be located within the main building. All outdoor display of seasonal items shall be identified on the site plan and be located outside of any required setbacks. No display of seasonal items should exceed 5' in height.

No area is designated for outdoor display of merchandise. Therefore, no outdoor display will be permitted.

3. Landscape Design.

- A. Landscaping is integral to the overall design concept and should be carefully planned to enhance the overall appearance and function of the site.
- B. Landscape buffers with screen fencing should mask the site from adjacent residential uses. Plantings that exceed the minimum Des Moines Landscaping Standards may be required.
- C. Dense landscaping or architectural treatments should be provided to screen unattractive views and features such as storage areas, trash enclosures, utility cabinets and other similar elements.
- D. A site design for projects located at a street intersection should provide special landscape treatments, including by way of example perennial plant beds, site walls, native grasses, decorative sign foundations and housing.
- E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved site plan.
- F. Monument signs are encouraged and are required when the site adjoins a residential district.

Staff believes that two additional over-story trees are required to conform with the minimum plantings under the design guidelines. The plan is proposed with dense evergreen planting pattern along the southern and southwestern property boundaries with residential uses.

However, the proposed chain-link screens for the trash enclosure and mechanical equipment to the rear of the building are not adequate. Any trash enclosure should be architecturally compatible with the primary building with durable opaque metal gates. Staff also does not believe the chain-link fencing with slats is the most appropriate method for screening the mechanical units on the south side of the building which is oriented toward the residential neighborhood. Either a site wall to match the architecture of the building, a solid wood fence, or a dark solid vinyl or metal panel screening system would all be more appropriate alternatives.

No elevation of the typical monument sign was provided. It must be relocated out of the street vision clearance. Staff believes that it shall be of materials that are compatible with the primary building in order to comply with this design guideline.

4. Lighting.

- A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.
- B. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The site plan must contain illuminance models showing light levels throughout the site.

Staff believes that the submitted photometric plan indicates a few locations along the west commercial boundary where calculated illuminance will exceed 2.0 footcandles and along the southwest residential boundary where illuminance will exceed 0.5 footcandles. Staff recommends that the lighting plan be adjusted to comply with this provision.

- C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.

The submitted plan indicates all cut-off type fixtures to be used. If the developer proposes use of cut-off focused flood lighting, then it must be recessed above the bottom level of the canopy.

- D. Parking Lot and Site Lighting:
- (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
 - (ii) Maximum pole heights should not exceed 20'.

Staff was not provided with the pole heights of the proposed freestanding lighting. Staff recommends that a plan in accordance with these provisions be submitted as a condition of any approval to ensure compliance with the guidelines.

- E. Building-Mounted Lighting:
- (i) All luminaries should be a full cut-off design and aimed downward.
 - (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

The submitted elevations indicate compliance with these guidelines.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Natural Features:** Two, 12-inch American Elm trees will be removed along the west property line. Based on staff recommendation for seven new 2" over-story tree plantings, the new tree mitigation ordinance will be satisfied.
2. **Drainage/Grading:** The submitted plan would reduce the overall amount of impervious surface from that of the existing vacant commercial site. All paving will be new and must comply with minimum stormwater management design requirements.

The plan proposes a series of underground detention cells to provide stormwater management. It should also be noted that an existing 30-inch storm sewer that runs under the current vacant restaurant building will be rerouted within the site at considerable expense so that the pump island canopy will not be over the storm sewer or necessary easements.

3. **Landscaping & Buffering:** The existing approved landscaping generally complies with the design guidelines, except that it is deficient of two over-story tree plantings within the south buffer yard area. The proposed plan retains two 12-inch existing mature American Elm trees and a mature 30-inch Sugar Maple tree along the south property line. Tree protection notes have been provided on the plan for these trees during construction.

SUMMARY OF DISCUSSION

Mike Ludwig presented the staff report and recommendation.

Dann Flaherty asked if the applicant is okay with staff conditions.

Mike Ludwig stated that staff did place a call to them this afternoon and we did not hear a final comment on them, but the representatives are here and can speak to that.

Kent Sovern asked about the shared access drive connection with the commercial property to the west.

Mike Ludwig stated that on the adjoining property they have already constructed a return so there was a plan for a connection to be made to the subject property. One of the conditions recommended by staff is that connection be provided on this site plan.

Doug Beech One Convenience Blvd, Ankeny, IA legal counsel for Casey's Marketing Company agrees with all of the conditions except the access drive and the canopy height. He noted when they first came to the Commission the concern was that the neighbor had done significant landscaping and has problem with flooding for some time, therefore, they have put a buffer between them to help absorb the water and alleviate the flooding problem. To have a connection through there adds pavement, more flooding and it is very difficult to control the water. The neighborhood is excited about this project and we would like approval tonight. The shared-access drive connection will have potential to delay, if not cause cancellation of this project. The concern about the canopy height will be addressed by Wally Pelds.

Wally Pelds, Pelds Engineering 2323 Dixon Street stated that he talked to the awning company who does all of their canopies and they said 1 foot 6 inches is the maximum that they can lower it which would get it to 18 feet 9 inches and that would keep the same profile of fascia that they have. He then showed the Commission pictures of the store in Johnston, IA of what it would look like. He stated that they are not opposed to the 18 feet; it is just problematic for the awning company to get us down to 18 feet. The drainage is a concern because the adjoining property owner specifically requested a curb edge and if we create an opening the way that thing slopes it would go right on to his property unless some drastic grading change is done.

Larry Hulse asked why the shared-access drive connection a deal breaker.

Doug Beech stated that he did not think the adjoining property owner wants that kind of traffic between us so he would have to get an agreement, also it puts us back to square one and the sellers have already been waiting for about 9 months. The applicant has done the things they have been asked to do and it is taxing to the sellers.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in opposition.

CHAIRPERSON CLOSED THE PUBLIC HEARING

Kent Sovern asked staff to recall what the Commission did as related to c-stores and canopies on height.

Mike Ludwig stated that the standard for canopies allows a maximum height of 18 feet. Those are guidelines in our site plan ordinance. As a whole the Commission is asked to review the site plan for its overall conformance with all of the guidelines. If there is justification for granting variation to a standard, the overall goal is to look at the overall plan and see if it generally conforms to the City's policies.

Kent Sovern stated that he recalls that one of their concerns was the lighting and a lot of the designs that they saw showed the lighting actually recessed and above the canopy and sometimes skirted and sometimes not. It seems that some of what they have shown in their design goes after our general objective of keeping the lights from bleeding and directing down.

Larry Hulse stated that the Casey's Corporation does the best job of putting the lighting into the canopy so that it works down and not all over the place. They also brought up a good reason that the additional height is necessary to make the two structures work together architecturally.

Greg Jones stated that he thinks the 18 feet was a compromise on the high side of where they want to see it because the lower the canopy is the less it intrudes on the street remembering that this is in the front yard. We need them to be as low as they can in order not to intrude.

Mike Ludwig stated that the contour that runs through this sight is about 156 elevations and the elevation off the road is about 159. 9 inches of additional height will not make that much difference in this case.

Greg Jones stated because the adjoining use is a dentist there really is no reason to have the shared-access point. However, it may not be a dentist office forever and there may be some reason in the future where we want to have some kind of cross access because the fewer access on the streets the better.

Larry Hulse stated he did not think that the shared access was needed with the current use and the purpose for having that cut through is to keep the cars off the street. He asked the applicant, if something else were to go next door in the future would they be willing to look at that issue.

Doug Beech stated that it is a traffic hazard if the connection point was right there and the problem now would be all of the reengineering to do. They would like to move forward and feel that they have gone above and beyond to fix the drainage problem.

Larry Hulse asked for clarification if the applicant is willing to revisit the access issue if the adjoining property redevelops in the future.

Doug Beech stated that they would not have a concern with that, if there was a compatible use down the road that is not a problem. He also addressed the elevation issue on the canopy.

Ted Irvine stated condition 2 should read that the applicant will consider a future access with change of use to the west.

Mike Simonson asked staff if the dentist office has a cross access easement on their property.

Mike Ludwig stated that he was not sure on the cross access easement but they did build the drive as shown on the site plan to the lot line.

Mike Simonson asked if Casey's does not own this store a number of years down the road and the rest of the block is redeveloped and we want a connection, if the dentist office is redeveloped could we force that property owner to allow the connection even though it is paid for by the developer to the west.

Mike Ludwig stated that he thinks the way to do it is to show the access on the site plan as a potential future access.

Larry Hulse stated that we can force it if the other property needs a site plan. A note should be added to the Site Plan regarding future access.

Mike Simonson asked staff why not require Casey's to have a cross easement access applied to their property now, even if physically it is not there.

Mike Ludwig stated in the past they have shown the access drive to the property line such as the adjoining property did. Similar instances have occurred on SE. 14th Street to the north and south of

the proposed Hubbell Apartment project. We did not require the easement previously because the drive location could change.

Larry Hulse stated that with proper notes he thinks that the easement might need to move.

Mike Simonson stated that he would like to hear from the City's legal counsel.

Mike Kelly stated that there is no policy on it.

Larry Hulse stated that an easement is more solid and asked Casey's representative what they think of how they should note it. Should it be worded in an easement and leave it closed or just note on the Site Plan for consideration in the future?

Doug Beech stated that he liked Commissioner Irvine language was perfect for condition 2.

Larry Hulse stated staff would be okay with the notation on the plan.

Mike Simonson asked Commissioner Irvine to repeat the language for condition 2.

Ted Irvine stated condition 2 should read will consider a future access with change of use to the west.

Mike Simonson stated that he thought that it should be stronger than that. He thinks that it should read whereby they are required to provide a 24 foot wide access to the property to the west at a mutually agreed upon location between the two property owners.

COMMISSION ACTION:

Greg Jones moved to approve the requested Site Plan subject to the following:

1. Compliance with all administrative review comments by the Permit and Development Administrator.
2. A 24 foot wide access shall be provided to the property to the west at a mutually agreed upon location between the two property owners should the adjoining site to the west be redeveloped.
3. Re-routing the proposed pedestrian connection from the retail building entrance to the public sidewalk in 61st Street so that it is located along the south edge of the parking area east of the building.
4. Modification of the proposed trash enclosure and can recycling shed designs to be architecturally compatible with the primary commercial building. The trash enclosure shall have opaque metal gates.
5. Provision of a site wall to match the architecture of the building, a solid wood fence, or a dark solid vinyl or metal panel screening system for mechanical equipment south of the building in lieu of the proposed chain-link fence with slats.
6. Relocation of the proposed monument sign outside the vision clearance triangle for the intersection of 61st Street and Douglas Avenue. Any monument sign should also be comprised of materials that are compatible with the primary architecture of the building and subject to review and approval by the CD Director.
7. Modification of the overall canopy height to a maximum of 18 feet-9 inches with a clearance height of at least 13-feet, 9-inches.

8. Provision of two additional over-story tree plantings within the south and southwest buffer yard planting area.
9. Demonstration that the Encore Top Access Focus flood light fixtures will not project below the pump island canopy with their source visible from the any adjoining property.
10. Provision of a compliant photometric prior to final approval.
11. Provision of elevations details for site lighting that is not mounted on the building with all pole heights at 20 feet or lower.

Motion passed 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

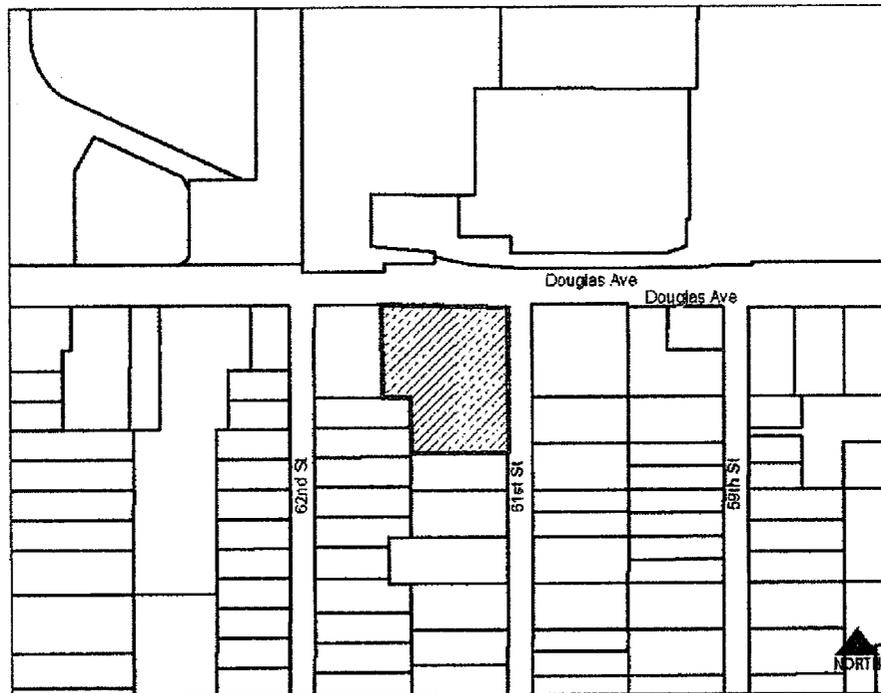
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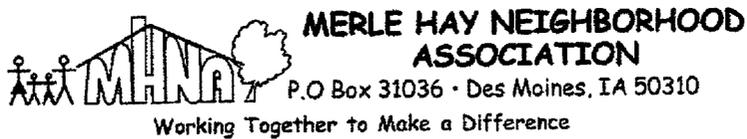
cc: Casey's Marketing Co., Inc.
Pelds Engineering

Request from Casey's Marketing Company (developer) represented by Michael R. Richardson (officer) for review and approval of a Site Plan under design guidelines for convenience stores and gas stations on property located at 6120 Douglas Avenue, to allow development of a 3,920 square-foot convenience store with a 7,524 square-foot pump island canopy and 16 fueling stations. The subject property is owned by Robert J. Conley Family, LC and Traviss Family Investments, LLC.				File # 10-2010-7.22	
Description of Action	Review and approval of a Site Plan under design guidelines for convenience stores and gas stations on property located at 6120 Douglas Avenue, to allow development of a 3,920 square-foot convenience store with a 7,524 square-foot pump island canopy and 16 fueling stations.				
2020 Community Character Plan	Commercial: Auto-Oriented Small-Scale Strip Development				
Horizon 2025 Transportation Plan	No Planned Improvements				
Current Zoning District	"C-2" General Retail and Highway-Oriented Commercial District				
Proposed Zoning District	"C-2" General Retail and Highway-Oriented Commercial District				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area				N/A	
Outside Area					
Plan and Zoning Commission Action	Approval	10-0	Required 6/7 Vote of the City Council	Yes	N/A
	Denial			No	N/A

Casey's Marketing Company - 6120 Douglas Avenue

10-2010-7.22





November 2, 2009

Dear Dann:

The Merle Hay Neighborhood Association met on Thursday, October 15, 2009, for one of its quarterly neighborhood meetings. Approximately 80 people were in attendance.

Two presentations by area developers were made to our members, including time for questions. The first presentation was given by Rich Eychaner (Eychaner Properties) regarding his new retail development at the corner of Merle Hay Road and Douglas Avenue. The second was given by Edmund Pelds (project engineer for A. Leo Pelds Engineering Company) related to the planned construction of a Casey's General Store at the corner of Douglas Avenue and 61st Street.

During the "Business Meeting" portion of the MHNA meeting, separate votes were taken on each project. Support for each of these projects passed by unanimous vote.

I would greatly appreciate it if you would pass this information along to the other members of the Des Moines Plan and Zoning Commission. If you have any questions related to this, please don't hesitate to contact me.

Thank you for your hard work on behalf of our neighborhood and the City of Des Moines.

Very truly yours,

Steve Berry
 President
 5515-306-2228