

June 27, 2011

Date

WHEREAS, on June 13, 2011, by Roll Call No. 11-0989, the City Council duly resolved to consider a proposal from Quik Trip Corporation to rezone certain property located in the vicinity of 2300 East 14th Street from the Limited C-1 Neighborhood Commercial District classification to the C-1 Neighborhood Commercial District classification to repeal the condition that there shall be no extension of the parking onto any of the adjoining residentially zoned land to serve any use upon the Property, except for a maximum of seven (7) parking spaces which shall observe a fifty (50) foot setback from the East 14th Street right-of-way. This will allow for a proposed off-street parking extension into residentially zoned property located at 2322 East 14th Street. Such proposal was set down for hearing on June 27, 2011, at 5:00 P.M., in Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on June 16, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 2300 East 14th Street, more fully described as follows (the Property):

Lot 4 and the South 17.00 feet of Lot 5, Block 5, Arlington Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from the Limited C-1 Neighborhood Commercial District classification to the C-1 Neighborhood Commercial District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning to the C-1 Neighborhood Commercial District classification be approved.

WHEREAS, in accordance with the notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

June 27, 2011

Date


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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning are hereby overruled, and the hearing is closed.
2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.
3. The proposed rezoning of the Property from the Limited C-1 to the C-1 District classification is hereby approved.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

 Mayor

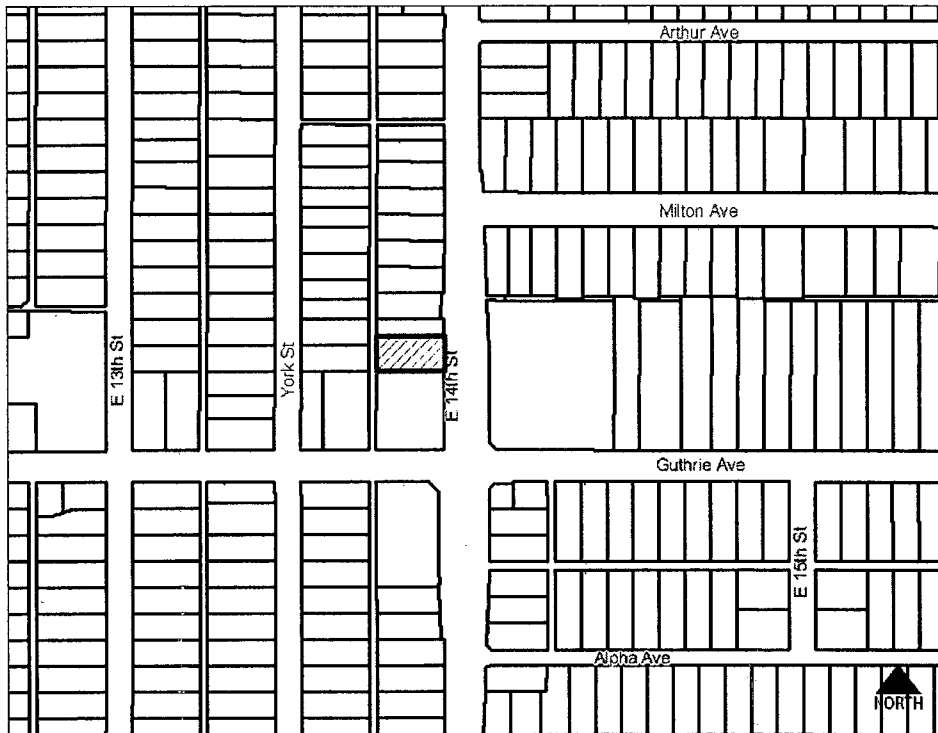
 City Clerk

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Request from Quik Trip Corporation (owner) represented by Mike Talcott (officer) to rezone property at 2300 East 14 th Street.		File #		
		ZON2011-00092		
Description of Action	Review and approval to rezone the property from Limited "C-1" Neighborhood Retail Commercial District to "C-1" Neighborhood Retail Commercial District to repeal the condition that "there shall be no extension of the parking onto any of the adjoining residentially zoned land to serve any use upon the Property, except for a maximum of seven (7) parking spaces which shall observe a fifty (50) foot setback from the E. 14 th Street right of way." This will allow for a proposed off-street parking extension into residentially zoned property located at 2322 East 14 th Street.			
2020 Community Character Plan	Commercial: Pedestrian-Oriented Neighborhood Node			
Horizon 2035 Transportation Plan	East 14 th Street from East Euclid Avenue to East University Avenue to widen from 4 lanes undivided to 5 lanes undivided			
Current Zoning District	Limited "C-1" Neighborhood Retail Commercial District			
Proposed Zoning District	"C-1" Neighborhood Retail Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	1		
Outside Area				
Plan and Zoning Commission Action	Approval	11-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Quik Trip Corporation - 2300 East 14th Street

ZON2011-00092



June 9, 2011

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held June 2, 2011, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 11-0 as follows:



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

Commission Action:	Yes	Nays	Pass	Absent
JoAnne Corigliano				X
Shirley Daniels	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty	X			
John "Jack" Hilmes	X			
Joel Huston	X			
Ted Irvine	X			
Greg Jones	X			
Brian Millard	X			
William Page	X			
Mike Simonson				X
Kent Sovern	X			
CJ Stephens	X			

APPROVAL of a request from Quik Trip Corporation (owner) represented by Mike Talcott (officer) to rezone property at 2300 East 14th Street from Limited "C-1" Neighborhood Commercial District to "C-1" Neighborhood Retail District.
ZON2011-00092

Written Responses

- 1 In Favor
- 1 In Opposition

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of rezoning the portion of the site currently zoned Limited "C-1" District to "C-1" District.

STAFF REPORT

1. **Purpose of Request:** The applicant's existing site is zoned "C-1" District, Limited "C-1" District and "R1-60" District. The Limited "C-1" portion of the site was rezoned from "R1-60" in 1998. At that time the applicant agreed to the following condition.

"There shall be no extension of parking onto any of the adjoining residentially zoned land to serve any use upon the Property, except for a maximum of seven (7) parking spaces which shall observe a fifty (50) foot setback from the E. 14th Street right-of-way."

The applicant is proposing to purchase the property to the north of their site, remove the existing single-family dwelling and expand their parking lot to the north. To do this the condition that limits the north portion of their existing site to seven parking stalls must be removed.

The 1998 conditional rezoning occurred before the City's Design Guidelines for Extension of Off-Street Parking were enacted to require Plan and Zoning Commission site plan review. Prior to the adoption of these requirements, commercial parking lots could be extended into residentially zoned properties by right. This type of condition was applied several times by the City until the adoption of the design guidelines.

2. **Size of Site:** 32,500 square feet or 0.746 acres.
3. **Existing Zoning (site):** "C-1" Neighborhood Retail Commercial District, Limited "C-1" District, "R1-60" One-Family Low-Density Residential District, "GGP" Gambling Games Prohibition Overlay District, and the "VDL" Vehicle Display Lot Overlay District.
4. **Existing Land Use (site):** Convenience store with 8 fueling locations (4 pumps).
5. **Adjacent Land Use and Zoning:**
 - North** – "R1-60", Use is single-family residential.
 - South** – "C-2", Use is a vehicle display lot.
 - East** – "C-1", Use is a medical clinic currently under construction.
 - West** – "R1-60", Uses is single-family residential.
6. **General Neighborhood/Area Land Uses:** The subject property is located on the northwest corner of the East 14th Street and Guthrie Avenue intersection in the Union Park Neighborhood. The area generally consists of single-family dwellings with commercial uses clustered around the intersection.
7. **Applicable Recognized Neighborhood(s):** Union Park Neighborhood.
8. **Relevant Zoning History:** The applicant's existing site consists of Lots 1 through 5 of Block 5 of the Arlington Heights Plat with Lot 1 being the southernmost lot and Lot 5 being the northernmost lot. On January 9, 1998, the City Council approved Ordinance Number 13,572 rezoning Lot 4 and the south 17 feet of Lot 5 from "R1-60" District to

Limited "C-1" subject to their being no extension of parking onto any adjoining residentially zoned land to serve any use of the property except for the development of 7 parking space that are setback 50 feet from East 14th Street.

On May 5, 2011, the Commission continued the applicant's request for site plan approval of their proposed parking lot expansion indefinitely to allow the applicant time to explore the rezoning process. The item had been placed on the agenda before it was determined that the subject zoning condition prohibited the project.

On April 27, 2011, the Zoning Board of Adjustment granted the applicant an Exception of 14.5 feet less than the minimum required 30-foot front yard setback for off-street parking. This would allow the proposed parking lot to be set back 15.5 feet from the east property line (East 14th Street) if the zoning condition is removed. The Board's approval was based on the following finding.

Granting the requested Exception would be consistent with the intended spirit and purpose of the Zoning Ordinance and in harmony with the essential character of the neighborhood. The appellant faces a practical difficulty in providing adequate parking given the size of the site and the location of the existing facilities. Allowing a reduced setback from East 14th Street allows for the parking lot to have a greater setback from the adjoining residential uses to the west. The impact of the reduced setback would be minimized by the required landscaping.

9. **2020 Community Character Land Use Plan Designation:** Commercial: Pedestrian-Oriented, Neighborhood Node.
10. **Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, prior to the City Council Hearing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. **Drainage/Grading:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center during the site plan review process.
2. **Landscaping & Buffering:** The City's Landscaping Standards for the "C-1" District that would apply to the proposed parking lot expansion consists of the following.
 - *Open Space* equal to 20% of the site with 1 overstory tree, 1 evergreen tree and 1 shrub per 2,500 square feet of required open space.
 - *Bufferyard* with a minimum width of 10 feet with a 6-foot tall opaque fence/screen, and 2 overstory trees and 6 evergreen trees per 100 lineal feet.
 - *Parking & Maneuvering Perimeter Planting Area* with a minimum width of 10 feet with 1 overstory tree and 3 shrub per 50 lineal feet.

3. Parking: The site currently has 21 parking spaces in addition to the fueling stations for the 3,763-square foot building. The Zoning Ordinance requires a minimum of 13 parking spaces for a convenience store with fuel sales of this size.

4. Gas Station/Convenience Store Design Guidelines: Any future parking lot expansion would be subject to these design guidelines as approved by the Plan and Zoning Commission.

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

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.
- 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.
- C. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.
- 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.
- E. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.
- 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.
- 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.
- 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'.
- 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.

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.

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.
- 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.
- 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'.
- F. 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.

5. Design Guidelines for Extension of Parking: Any future parking lot expansion on to residentially zoned property would be subject to these design guidelines as approved by the Plan and Zoning Commission.

- 1) The construction and use of this parking lot will have no significant detrimental impact on the use and enjoyment of adjoining properties.
- 2) No parking should be permitted in the required front yard of the "R" district unless compatible with the adjoining land use.
- 3) Adequate setbacks shall be provided to protect adjacent residentially zoned property. A minimum ten (10) foot setback from adjacent "R" district property lines should be observed.
- 4) Appropriate screening shall be provided to shield adjacent residential uses from the impacts of the parking lot.
- 5) Adequate landscaping shall be provided and maintained to buffer and beautify the parking area. Both interior and peripheral landscaping should be considered.
- 6) Where feasible, the entrance to the parking area should be from an adjoining alley or the less restrictive district.

SUMMARY OF DISCUSSION

There was no discussion

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request

COMMISSION ACTION:

Greg Jones moved staff recommendation to rezone the portion of the site currently zoned Limited "C-1" Neighborhood Commercial District to "C-1" Neighborhood Retail District.

Motion passed 11-0.

Respectfully submitted,


Michael Ludwig, AICP
Planning Administrator

MGL:clw

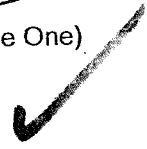
Attachment

Item **2011 00092**

Date June 1, 2011

I (am) (am not) in favor of the request.

(Circle One)



Print Name ELIZABETH PRATHER

Signature Elizabeth Prather

Address 2317 York St.

Reason for opposing or approving this request may be listed below:

I live right behind Quik Trip and there are always parking spaces available. I don't think they need 7 more. I get enough trash & litter in my yard. More space means more trash & litter.

Item **2011 00092**

Date 5-26-11

I (am) (am not) in favor of the request.

(Circle One)

Print Name Harold Kramme

Signature Harold Kramme

Address 1280 NW 67th Pl.

Reason for opposing or approving this request may be listed below:

Property at 2301 York St.

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Van Essen, Jason M.

From: marsha steele [foundthings@me.com]
Sent: Thursday, June 02, 2011 1:44 PM
To: Van Essen, Jason M.
Cc: Jack Daugherty; Paul [HSEMD] Sadler; Paul W. Cole; mtalcott@quiktrip.com
Subject: QuikTrip store at Guthrie and E. 14th Street - P&Z Issue

Jason,

As Co-Chair of the Union Park Neighborhood Assn, I am writing on behalf of UPNA to document our full endorsement of QuikTrip's request to change from C-1 with stipulations / restrictions (max of 7 parking spaces) to C-1 without stipulations. This would allow the company's request to add 9 parking spaces to the north of their existing footprint.

Initially this issue came before the Board of Adjustment; UPNA and two adjacent neighbors were in opposition to this change. However several neighbors, myself and Paul Cole, UPNA's treasurer, met with Mike Talcott from QuikTrip on May 23rd for 1 1/2 hours to discuss the issue.

All the neighbors expressed what a great neighbor QuikTrip has been since 1998. If / when they have had any issues, they called the district QT contact in Urbandale and the resolve is / was always quick and satisfactory. The homeowner directly to the north - whose property QT will be buying - is anxious for the transaction to occur. They have satisfactorily convinced their neighbor to the north to expect a great relationship, as well. (She was one of the respondents opposing the expansion but she is now in favor of it).

During the meeting all the adjacent neighbors expressed the need for additional exterior lighting on both the south and west sides of QT's building.

Groups of youth (10-25) have begun gathering on the south side of the building, moving out into the neighborhood. This week residents at E 11th and Guthrie complained about a large group of youth running/ trespassing through their yard. Additional lighting will hopefully make that 'staging area' less attractive to the group. The alley behind (west of) the building carries a lot of fast moving traffic. Neighbors would like additional lighting on the west exterior to allow for better visibility as they walk across the alley to get to QT.

On behalf of QT, Mike Talcott said they would happy to add the extra lighting, for the safety of store employees, shoppers and neighbors. However he cautioned that that site plan might not allow for lighting that encroaches next to neighbors' yards. On behalf of the neighbors, I ask that QT's site plan be allowed to include this extra lighting. Mike can better / more fully explain this during conversations with city staff. Please know that the neighbors ARE in favor of and want extra lighting.

Thank you for your time. To reiterate, UNPA is in complete approval of the P&Z change to C-1 without stipulations, as requested by QuikTrip.

Marsha Steele

Co-Chair, Union Park Neighborhood Assn.