



**Date** ..... February 24, 2014.....

**RESOLUTION AMENDING THE DES MOINES 2020  
COMMUNITY CHARACTER LAND USE PLAN**

WHEREAS, on August 7, 2000, by Roll Call No. 00-3381 the City Council adopted the Des Moines 2020 Community Character Land Use Plan; and

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held February 6, 2014, the members voted 9-0 to recommend APPROVAL of a request from QuikTrip Corporation (lessee) represented by Matt Brooks (officer), to amend the Des Moines' 2020 Community Character Land Use Plan to revise the existing future land use designation from Low Density Residential to Commercial: Auto-Oriented, Community Commercial for property in the vicinity of 2930, 2934 and 2936 Walker Street as more specifically shown on the accompanying map. The subject property is owned by Hurd Investments, LLC.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the proposed amendment to the Des Moines 2020 Community Character Land Use Plan described above, is hereby approved.

MOVED by \_\_\_\_\_ to adopt and approve the proposed amendment.

FORM APPROVED:

\_\_\_\_\_  
Roger K. Brown  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
VOSS				
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

Quik Trip Corporation (lessee) represented by Matt Brooks (officer) at 2930, 2934, and 2936 Walker Street. The subject property is owned by Hurd Investments, LLC..		<b>File #</b> 21-2014-4.01	
<b>Description of Action</b>	Amend the Des Moines' 2020 Community Character Plan to revise the existing future land designation from Low Density Residential to Commercial: Auto-Oriented, Community Commercial.		
<b>2020 Community Character Plan</b>	Low Density Residential District. (current) Commercial: Auto-Oriented, Community Commercial (proposed)		
<b>Horizon 2035 Transportation Plan</b>	No Planned Improvements.		
<b>Current Zoning District</b>	"R1-60" One-Family Low-Density Residential District.		
<b>Proposed Zoning District</b>	"C-2" General Retail and Highway-Oriented Commercial District.		
<b>Consent Card Responses</b>	In Favor	Not In Favor	Undetermined
Inside Area			% Opposition
Outside Area			
<b>Plan and Zoning Commission Action</b>	Approval		<b>Required 6/7 Vote of the City Council</b>
	Denial		Yes
			No

Quik Trip Corporation, 2930, 2934 & 2936 Walker Street

21-2014-4.01



Date \_\_\_\_\_

Agenda Item 47A

Roll Call # \_\_\_\_\_



February 14, 2014

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 February 6, 2014, the following action was taken regarding a request from Quik Trip Corporation (lessee) represented by Matt Brooks (officer) for the following actions regarding rezoning of property located at 2930, 2934 and 2936 Walker Street. The subject property is owned by Hurd Investments, LLC.

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 9-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles				X
JoAnne Corigliano	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty				X
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier				X

**APPROVAL** of staff recommendation to find the proposed rezoning not in conformance the existing Des Moines' 2020 Community Character Plan.

By separate motion Commissioners recommended 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano	X			
Jacqueline Easley				X
Tim Fitzgerald	X			
Dann Flaherty				X
Jann Freed	X			
John "Jack" Hilmes	X			
Ted Irvine	X			
Greg Jones	X			
William Page	X			
Christine Pardee	X			
CJ Stephens				X
Vicki Stogdill	X			
Greg Wattier				X

**APPROVAL** of staff recommendation to amend the Des Moines' 2020 Community Character Plan to revise the existing future land designation from Low Density Residential to Commercial: Auto-Oriented, Community Commercial; and **APPROVAL** of the requested rezoning for property located at 2930, 2934, and 2936 Walker Street from "R1-60" One-Family Low-Density Residential District to limited "C-2" General Retail and Highway-Oriented Commercial District, to allow redevelopment and expansion of the existing gas station/convenience store subject to the owner agreeing to the following conditions:  
(21-2014-4.01 & ZON2014-002001)

1. Prohibit the use of any portion of property zoned to the "C-2: District for adult entertainment businesses, delayed deposit services, off-premises advertising signs, pawnbrokers, taverns and nightclubs, and vehicle display lots.
2. Any site development is subject to Floodplain development regulations in Chapter 50 of the City Code.

**STAFF RECOMMENDATION TO THE P&Z COMMISSION**

Part A) Staff recommends that the proposed rezoning be found, not in conformance with the Des Moines' 2020 Community Character Plan.

Part B) Staff recommends approval of the requested amendment to the Des Moines' 2020 Community Character Plan revising the current future land use designation from Low Density Residential to Commercial: Auto-Oriented, Community Commercial.

Part C) Staff recommends approval of the requested rezoning to limited “C-2” General Retail and Highway-Oriented Commercial District subject to the owner agreeing to the following conditions:

1. Prohibit the use of any portion of property zoned to the “C-2: District for adult entertainment businesses, delayed deposit services, off-premises advertising signs, pawnbrokers, taverns and nightclubs, and vehicle display lots.
2. Any site development is subject to Floodplain development regulations in Chapter 50 of the City Code.

#### Written Responses

- 6 In Favor
- 5 In Opposition

### **STAFF REPORT TO THE PLANNING COMMISSION**

#### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to rezone addition property for assembling a site large enough to construct a new 5,773-square foot gas station/convenience store with 12 vehicle fueling locations.
2. **Size of Site:** 1.874 acres.
3. **Existing Zoning (site):** “C-2” General Retail and Highway-Oriented Commercial District and “R1-60” One Family Low Density Residential District.
4. **Existing Land Use (site):** Vacant property and 3,987-square foot gas station/convenience store with 8 fueling locations.
5. **Adjacent Land Use and Zoning:**
  - North** – “C-2”, Use is Walgreen’s general retail store and pharmacy.
  - South** – “C-2” & “R1-60”, Uses are single-family dwellings and general motor vehicle repair shop.
  - East** – “R1-60”, Use is Iowa State Fairgrounds grandstand.
  - West** – “C-2” & “R1-60”, Uses are single-family dwellings and a U.S. Cellular wireless retail store (under construction to convert from general motor vehicle repair).
6. **General Neighborhood/Area Land Uses:** The subject property is located along the East University Avenue (Iowa Highway 163) major commercial corridor near the Iowa State Fairgrounds. The property requested for rezoning is within a transition area between the corridor and a low density residential neighborhood to the west and south.

**7. Applicable Recognized Neighborhood(s):** The subject property is located within the Fairground Neighborhood; and is within 250 feet of the ACCENT Neighborhood and Valley High Manor Neighborhood. These neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on January 17, 2014. Additionally, separate notifications for these specific items were mailed on January 17, 2014 (20 days prior) and January 27, 2014 (10 days prior) to the hearing. A Final Agenda was mailed to the neighborhood associations on January 31, 2014. All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Fairground Neighborhood Association notices were mailed to Sharron Cooper, C/O FNA PO Box 8057, Des Moines IA, 50301. The ACCENT Neighborhood mailing were sent to Marian Wynn, 2413 Elizabeth Avenue, Des Moines, IA 50317. The Valley High Manor notices were sent to Harlan Donaldson, 4143 Knob Hill Drive, Des Moines, IA 50317.

Representatives of the developer have met with the affected neighborhood associations. They will provide a summary of the meeting at the public hearing.

**8. Relevant Zoning History:** N/A.

**9. 2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented, Community Commercial, Commercial: Pedestrian-Oriented, Neighborhood Commercial Center, and Low Density Residential District.

**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.

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 in Section 82-214.08 of the City Code, 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 has determined that there needs to be revised routes which are identifiable by the pedestrian to ensure safety negotiating around the fueling area to the entrances. The proposed route through the fueling area to the east should be eliminated. If a route from East 30<sup>th</sup> Street is desired it should be to the south end or north end of the fueling area in some fashion. In addition, at least one route from East University Avenue and Walker Street should be improved by segregating the route from the parking spaces by curbed bump-outs to narrow the area where it crosses vehicle circulation. The proposed plan only shows striping for these areas, one from each public street sidewalk. This has a tendency to attract illegal parking. Ideally, these connections would also align directly with a walk in front of the building.*

*Staff recommends that the proposed refuse collection enclosure be revised to have steel gates rather than the proposed mesh material.*

- 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 1.874 acres and would not be eligible for rezoning to PUD.*

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

*The Site Plan proposes 12 fueling locations. Twenty percent of the proposed site is equivalent to 16,327 square feet, which is more than the 12,000 square feet required for the proposed fueling locations. The proposed Site Plan provides, 14,807 square feet, for a net deficiency of this design guideline minimum of 1,520 square feet. The Commission would need to grant a waiver of this design guideline as part of an action to approve the Site Plan. Staff believes that given the amount of land available to the site and the amount of excess proposed parking, that the open space minimum should not be met and not waived.*

- 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.

*The proposed development provides a development pattern which is consistent with the highway commercial corridor. The proposed building would replace a building*

that is oriented toward East 30<sup>th</sup> Street. The new building would be oriented toward the more major route of East University Avenue.

Shared access with the commercial site to the west would be maintained to facilitate traffic seeking to make a westbound egress onto East University Avenue at the median break.

- 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 addition generally conform to these provisions. There are no proposed auto repair bays or drive-through windows. The trash enclosure is constructed of masonry material with durable polymer opaque gates. Staff recommends that the gates should be revised to be solid metal gates.

The lighting photometric plan does not comply entirely with the maximum footcandles levels permitted by the Convenience Store Guidelines, which is 2.0 footcandles along commercial property lines, at points along the north, south and west frontage of the lot; and 0.5 footcandles along the west and south across from and adjoining residential districts. Staff believes that the developer should be able to make the minor adjustments to ensure that there is compliance with this design guideline.

- 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.

The submitted plan indicates a pedestrian connections to East University Avenue East 30<sup>th</sup> Street and Walker Street. Staff is recommending modifications to these connections to better align and protect from vehicle traffic conflicts. If a route from East 30<sup>th</sup> Street is desired it should be to the south end or north end of the fueling area in some fashion. This connection is not critical. At least one route from East University Avenue and Walker Street should be improved by segregating the route from the parking spaces by curbed island projections to narrow the area where it crosses vehicle circulation.

## 2. Architecture.

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



