



**Date** ..... January 25, 2016 .....

**RESOLUTION CLOSING HEARING ON APPEAL BY QUIKTRIP  
CORPORATION SEEKING APPROVAL OF A SITE PLAN FOR A  
CONVENIENCE STORE AT 1200 KEOSAUQUA WAY AND 1201 CENTER  
STREET, AND DENYING SAME**

WHEREAS, on November 19, 2015, the City Plan and Zoning Commission voted to deny an application by QuikTrip Corporation (purchaser) represented by Matt Brooks (officer), for approval of a Site Plan titled "QuikTrip No. 0526" under design guidelines for gas stations/convenience stores, on property located at 1200 Keosauqua Way and 1201 Center Street, to allow development of a 5,773-sqaure foot convenience store with a pump island canopy for 12 fueling locations; and,

WHEREAS, QuikTrip has timely appealed to the City Council pursuant to §82-210 of the Des Moines Municipal Code, seeking to have the Commission's decision reversed.

WHEREAS, on December 21, 2015, by Roll Call No. 15-2119, the City Council scheduled a public hearing on the appeal, to be held on January 11, 2016, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, notice of the hearing has been provided to the applicant's representative, and published in the Des Moines Register on December 31, 2015; and,

WHEREAS, on January 11, 2016, by Roll Call No. 16-0065, the City Council continued the hearing to January 25, 2016, at 5:00 p.m., at QuikTrip's request; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said appeal have been given the opportunity to be heard.

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

1. The public hearing on the appeal by QuikTrip Corporation is hereby closed.
2. The City Council hereby makes the following findings of fact:
  - a) 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, and indicates that this site should be redeveloped in a mixed-use, pedestrian friendly manner that integrates the area with the rest of the downtown.
  - b) The Downtown Overlay District Design Guidelines identify that the site should be redeveloped with a 3-story building set at the right-of-way line.
  - c) The proposed site plan is not pedestrian friendly. There is one private sidewalk from the Keosauqua Way sidewalk to the parking lot. There should be marked pedestrian routes from each of the adjoining public sidewalks to the building.



# Roll Call Number

Agenda Item Number

52A

Date January 25, 2016

-2-

- d) The site plan does not conform to the required landscape standards.
  - e) The driveway to 12th Street does not satisfy the required separation from the Center Street intersection with Keosauqua Way.
  - f) The proposed vacation of a portion of the Center Street right-of-way for this low-density auto oriented use is not in conformance with the City's adopted land use plans for the area.
  - g) Although there are two auto-oriented convenience stores (Git-N-Go and Kum & Go) already existing northwest of this site along the Keosauqua Way corridor, those sites are further removed from the downtown core. This site is in close proximity to the established urban development pattern of the downtown core, and any redevelopment of this site and the adjoining sites should continue that pattern and not reinforce the underutilization of land that occurs further north on the corridor.
  - h) The proposed convenience store will generate a high volume of in-and-out traffic that will exacerbate the existing traffic congestion and deficiencies at the 12th Street intersections with Keosauqua Way and Center Streets.
3. The appeal by QuikTrip Corporation is hereby denied.
  4. The Engineering Department, Real Estate Division, is hereby directed to take no further action on the proposed vacation of a segment of Center Street adjoining the site until further notice.

MOVED by \_\_\_\_\_ to adopt.

FORM APPROVED:

( Council Communication No. 16-054 )

Roger K. Brown  
Roger K. Brown, Assistant City Attorney

U:\Rog Docs\Zoning\Site Plan\Appeals\QuikTrip 1200 Keo\RC Hrg - Deny.docx

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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

**Rauh, Diane I.**

---

**From:** Steve & Christine Hensley <hensley.chrissteve@gmail.com>  
**Sent:** Saturday, January 23, 2016 4:07 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Keo Development Site - DesMoinesArts

Diane – can you make sure all council members and the mayor have copies of this e-mail? I will be sending one other. Thanks, Chris

---

**From:** Justin Mandelbaum [mailto:[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)]  
**Sent:** Saturday, January 23, 2016 10:47 AM  
**To:** Chris Hensley  
**Subject:** Fwd: Keo Development Site - DesMoinesArts

FYI

Begin forwarded message:

**From:** Siobhan Harman <[Siobhan.Harman@kumandgo.com](mailto:Siobhan.Harman@kumandgo.com)>  
**Subject:** RE: Keo Development Site - DesMoinesArts  
**Date:** February 17, 2015 at 9:55:43 PM CST  
**To:** Justin Mandelbaum <[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)>

Hi Justin:

Sorry, I've been out of town (sunny San Diego!) and I'm just catching up!

Thanks for reaching out and letting us know you have an offer – that's great news for your project!

We are moving forward on our lot and will start construction in second quarter for an early fall opening.

I'm excited with the activity on that corridor.

How are things coming with the Arts Building?



**Siobhan Harman**

Real Estate Development Manager

Direct: 515-457-6345

6400 WesttownParkway | West Des Moines, Iowa 50266-9857

[kumandgo.com](http://kumandgo.com)



Please consider the environment before printing this e-mail.

---

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of this message. Please note that while we scan all e-mails for viruses, we cannot guarantee that any e-mail is virus-free.



---

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>

---

**From:** Justin Mandelbaum [<mailto:justin@mandelbaumproperties.com>]  
**Sent:** Wednesday, February 11, 2015 1:44 PM  
**To:** Kyle Krause; Siobhan Harman  
**Subject:** Keo Development Site - DesMoinesArts

Kyle and Siobhan -

I hope all is well on your end. I wanted to let you know as a courtesy that we have received an offer for 1200 Keo / 1201 Center Street, the 68,775 square feet combined parcel we previously discussed at the NW corner of 12th and Keo. It was a very good offer and we're confident we can reach a deal with them at our full price of \$1.675M and on our deal terms.

Before we move forward with another party, we wanted to be sure that you have not changed your mind on the possible acquisition of this site. As someone who is committed to the betterment of Des Moines and the arts, we wanted to give you the opportunity to step to the front of the line should you want to acquire this site. Please let us know either way.

Thanks,  
Justin

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**  
4500 Westown Parkway #115  
West Des Moines, IA 50266  
515.282.5000  
[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**  
4500 Westown Parkway #115  
West Des Moines, IA 50266  
515.282.5000  
[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)



**Rauh, Diane I.**

---

**From:** Steve & Christine Hensley <hensley.chrissteve@gmail.com>  
**Sent:** Saturday, January 23, 2016 4:08 PM  
**To:** Rauh, Diane I.  
**Subject:** FW: Emails

Here is another I would like to have included. Thanks,

---

**From:** Justin Mandelbaum [mailto:justin@mandelbaumproperties.com]  
**Sent:** Saturday, January 23, 2016 11:06 AM  
**To:** Chris Hensley  
**Subject:** Emails

Chris - I just forwarded you email chains with Kum & Go and UnityPoint, showing that we gave each of them a "last look" on our land at 12th & Keo after we received an offer from a shell company. Please note we did not know the buyer was QuikTrip until after we signed the purchase contract.

Kum & Go and UnityPoint had both expressed prior interest in the site, but both said it was too expensive. Note UnityPoint is the nation's 13th largest non-profit hospital chain and has \$3.8 Billion in revenues (<http://www.unitypoint.org/filesimages/Media/UnityPoint%20Health%20Profile.pdf>). Kum & Go has \$2.8 Billion in revenues (<http://www.forbes.com/companies/kum-go/>). I believe both entities could afford our asking price.

Justin

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**  
4500 Westown Parkway #115  
West Des Moines, IA 50266  
515.282.5000  
[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)

**Rauh, Diane I.**

---

**From:** chris hensley <hensley.chrissteve@gmail.com>  
**Sent:** Monday, January 25, 2016 9:39 AM  
**To:** Rauh, Diane I.  
**Subject:** Fwd: Emails

Diane -- I am forwarding some e-mails to you I want to provide to the council for tonights agenda. Thks

Sent from my iPad

Begin forwarded message:

**From:** Justin Mandelbaum <[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)>  
**Date:** January 23, 2016 at 11:05:48 AM CST  
**To:** Chris Hensley <[hensley.chrissteve@gmail.com](mailto:hensley.chrissteve@gmail.com)>  
**Subject:** Emails

Chris - I just forwarded you email chains with Kum & Go and UnityPoint, showing that we gave each of them a "last look" on our land at 12th & Keo after we received an offer from a shell company. Please note we did not know the buyer was QuikTrip until after we signed the purchase contract.

Kum & Go and UnityPoint had both expressed prior interest in the site, but both said it was too expensive. Note UnityPoint is the nation's 13th largest non-profit hospital chain and has \$3.8 Billion in revenues (<http://www.unitypoint.org/filesimages/Media/UnityPoint%20Health%20Profile.pdf>). Kum & Go has \$2.8 Billion in revenues (<http://www.forbes.com/companies/kum-go/>). I believe both entities could afford our asking price.

Justin

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**  
4500 Westown Parkway #115  
West Des Moines, IA 50266  
515.282.5000  
[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)

**Rauh, Diane I.**

---

**From:** chris hensley <hensley.chrissteve@gmail.com>  
**Sent:** Monday, January 25, 2016 9:41 AM  
**To:** Rauh, Diane I.  
**Subject:** Fwd: Keo Development Site - DesMoinesArts

Another

Sent from my iPad

Begin forwarded message:

**From:** Justin Mandelbaum <[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)>  
**Date:** January 23, 2016 at 10:47:05 AM CST  
**To:** Chris Hensley <[hensley.chrissteve@gmail.com](mailto:hensley.chrissteve@gmail.com)>  
**Subject:** Fwd: Keo Development Site - DesMoinesArts

FYI

Begin forwarded message:

**From:** Siobhan Harman <[Siobhan.Harman@kumandgo.com](mailto:Siobhan.Harman@kumandgo.com)>  
**Subject:** RE: Keo Development Site - DesMoinesArts  
**Date:** February 17, 2015 at 9:55:43 PM CST  
**To:** Justin Mandelbaum <[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)>

Hi Justin:

Sorry, I've been out of town (sunny San Diego!) and I'm just catching up!

Thanks for reaching out and letting us know you have an offer – that's great news for your project!

We are moving forward on our lot and will start construction in second quarter for an early fall opening.

I'm excited with the activity on that corridor.

How are things coming with the Arts Building?



**Siobhan Harman**

Real Estate Development Manager

Direct: 515-457-6345

6400 WestownParkway | West Des Moines, Iowa 50266-9857

[kumandgo.com](http://kumandgo.com)



Please consider the environment before printing this e-mail.



CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and message. Please note that while we scan all e-mails for viruses, we cannot guarantee that any e-mail is virus-free.

---

This email has been scanned for email related threats and delivered safely by Mimecast.  
For more information please visit <http://www.mimecast.com>

---

**From:** Justin Mandelbaum [<mailto:justin@mandelbaumproperties.com>]  
**Sent:** Wednesday, February 11, 2015 1:44 PM  
**To:** Kyle Krause; Siobhan Harman  
**Subject:** Keo Development Site - DesMoinesArts

Kyle and Siobhan -

I hope all is well on your end. I wanted to let you know as a courtesy that we have received an offer for 1200 Keo / 1201 Center Street, the 68,775 square feet combined parcel we previously discussed at the NW corner of 12th and Keo. It was a very good offer and we're confident we can reach a deal with them at our full price of \$1.675M and on our deal terms.

Before we move forward with another party, we wanted to be sure that you have not changed your mind on the possible acquisition of this site. As someone who is committed to the betterment of Des Moines and the arts, we wanted to give you the opportunity to step to the front of the line should you want to acquire this site. Please let us know either way.

Thanks,  
Justin

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**  
4500 Westown Parkway #115  
West Des Moines, IA 50266  
515.282.5000  
[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**  
4500 Westown Parkway #115  
West Des Moines, IA 50266  
515.282.5000  
[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)

**Rauh, Diane I.**

---

**From:** chris hensley <hensley.chrissteve@gmail.com>  
**Sent:** Monday, January 25, 2016 9:44 AM  
**To:** Rauh, Diane I.  
**Subject:** Fwd: 1200 Keo / 1201 Center

Last one

Sent from my iPad

Begin forwarded message:

**From:** Justin Mandelbaum <[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)>  
**Date:** January 23, 2016 at 10:45:48 AM CST  
**To:** Chris Hensley <[hensley.chrissteve@gmail.com](mailto:hensley.chrissteve@gmail.com)>  
**Subject:** Fwd: 1200 Keo / 1201 Center

FYI

Begin forwarded message:

**From:** "Corfits, Joseph F." <[Joseph.Corfits@unitypoint.org](mailto:Joseph.Corfits@unitypoint.org)>  
**Subject:** RE: 1200 Keo / 1201 Center  
**Date:** March 3, 2015 at 12:26:29 PM CST  
**To:** 'Justin Mandelbaum' <[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)>  
**Cc:** "Ramsey, Sidney" <[sid.ramsey@unitypoint.org](mailto:sid.ramsey@unitypoint.org)>, John Mandelbaum <[john@mandelbaumproperties.com](mailto:john@mandelbaumproperties.com)>

Justin, thanks for the heads up but we are not interested in the parcel at that price. In the event that things don't work out and you are willing to consider a substantially reduced price, please let us know.

We remain committed to being a good neighbor with whomever eventually ends up developing the site.

Thanks,

**Joseph F. Corfits, Jr.**  
Chief Financial Officer

 **UnityPoint Health**  
Des Moines

Methodist | Lutheran | Methodist West | Blank Children's | John Stoddard Cancer Center

1200 Pleasant St.  
Des Moines, IA 50309  
(515) 241-6507 office  
(515) 241-5994 fax

---

**From:** Justin Mandelbaum [<mailto:justin@mandelbaumproperties.com>]  
**Sent:** Tuesday, February 10, 2015 2:37 PM  
**To:** Crowell, Eric T.; Corfits, Joseph F.  
**Cc:** Ramsey, Sidney; John Mandelbaum  
**Subject:** 1200 Keo / 1201 Center

Eric and Joe -

I hope all is well on your end. As our neighbor and as a prominent member of our community, we wanted to let you know as a courtesy that we have received an offer for 1200 Keo / 1201 Center Street, the 68,775 square feet combined parcel we previously discussed. It was a very good offer and we're confident we can reach a deal with them at our full price and on our deal terms.

We are willing to sell the parcel at \$1.675M (net proceeds to Seller with no brokerage fees paid), and we're hoping that by giving you this opportunity to get ahead of other buyers, that UnityPoint would also consider a donation to DesMoinesArts in addition to the purchase price. If this parcel is of interest to you, please let us know ASAP and we will set up a meeting to discuss next steps.

Thanks,  
Justin

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**  
4500 Westown Parkway #115  
West Des Moines, IA 50266  
515.282.5000  
[justin@mandelbaumproperties.com](mailto:justin@mandelbaumproperties.com)

This message and accompanying documents are covered by the Electronic Communications Privacy Act, 18 U.S.C. sections 2510-2521, and contain information intended for the specified individual(s) only. This information is confidential. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review, dissemination, copying, or the taking of any action based on the contents of this information is strictly prohibited. If you have received this communication in error, please notify us immediately by e-mail, and delete the original message.

---

Justin Mandelbaum  
**MANDELBAUM PROPERTIES**



## **MEETING AGENDA**

UnityPoint Traffic Impact Study: Preliminary Findings

January 5, 2016

### **Introductions:**

### **Data Collection:**

Shive-Hattery obtained traffic counts at the following intersections at a.m. and p.m. peaks times:

15<sup>th</sup> & Center; 15<sup>th</sup> & Pleasant; 12<sup>th</sup> & Center; 12<sup>th</sup> & internal drive (aligned with Park Street). Subsequent data was collected at 12<sup>th</sup> and Keo

### **Emerging Solution:**

Concerns of current and future impacts to 12<sup>th</sup> and Center were the immediate focus of our analysis. By providing a dual left onto Keo (NW bound), allows 12<sup>th</sup> and Center to function adequately.

The distance the 12<sup>th</sup> Street spans between Keo and Center is 225 feet. The northbound queue without the double left is 411 feet. With the double left, it is less than 200 feet.

### **Traffic impacts of Quik Trip site:**

We estimated the Quick Trip will generate 115 and 109 trip during the a.m. and p.m. peak hours respectively. Based on the QT site plan as submitted, the impact to 12<sup>th</sup> Street will be:

13 vehicles in and 13 vehicles out in the am peak hour

17 vehicles in and 16 vehicles out in the pm peak hour

The vehicles in will not impact the southbound flow on 12<sup>th</sup> St. The vehicles out will slightly impact 12<sup>th</sup> St southbound traffic if they try to go either through or turn left at the intersection of 12<sup>th</sup> St/Center.

### **Right turn lane vs. the free right southbound movement that exists today:**

A right turn pocket is not better than the existing channelized lane. However, the proposed configuration does not make operations worse. The intersection can operate adequately either way. The right turn pocket was included because it was in the Quik Trip plan.

### **Queue for westbound Center approaching 12<sup>th</sup> Street:**

Synchro and Simtraffic were utilized to draw conclusions. Synchro analyzes the intersections individually but Simtraffic is a simulation software and analyzes the network and the impacts of one intersection on the others. We believe in order to catch the total queue in the analysis; we will need to have a broader network with almost all nearby intersections represented. This broader network is beyond our scope of services currently contracted with UnityPoint.

### **Enhanced North Entrance/Exit for UnityPoint:**

If we consider that 50% of the traffic from Pleasant/15th and from Center/12th will choose the new entrance, then the intersection of center/12th must be signalized because the turning volumes will be too high to be accommodated at a stop-controlled intersection. The new entrance will also need to operate as an All-Way Stop-Control.

## TRAFFIC IMPACT STUDY REQUIREMENTS



The following information should be included for the Traffic Impact Study:

1. EXISTING CONDITIONS
  - a. Land usage / Existing trip generation / distribution
  - b. Access locations / size
  - c. Aerial image
  - d. Adjacent streets
    - i. Keosauqua Way
    - ii. 12<sup>th</sup> Street
    - iii. Center Street
      1. Functional Classification
      2. Width, number of lanes, intersection configurations
      3. Posted speed limits, On-Street parking
      4. Available Traffic Count Information (City or Iowa DOT)
  - e. Turning movement traffic counts / Observed Queue Lengths at key intersections
    - i. 12<sup>th</sup> Street & Keosauqua Way
    - ii. 12<sup>th</sup> Street & Center Street
      1. AM and PM peak hours
2. ADJACENT LAND USE
  - a. Review / Incorporate Improvement Plans
    - i. Unity Point Health Master Plan
3. CRASH REVIEW
  - a. Review / Analyze Iowa DOT CMAT crashes in past 5 years
  - b. Describe details of any injury crashes
4. PROPOSED SITE IMPROVEMENTS
  - a. Land usage / Proposed ITE trip generation / distribution
  - b. Access locations / size
  - c. Plan view drawing of improvements
  - d. Adjacent streets
    - i. Identify proposed changes (i.e. on-street parking)
    - ii. Future traffic volume forecasts (Des Moines MPO)
5. TRAFFIC MODELING
  - a. Develop SYNCHRO, VISTRO, or VISSIM traffic model for the following scenarios
    - i. Existing conditions
    - ii. Opening Day
    - iii. 20-year Projected No-Build
    - iv. 20-year Projected w/ proposed development
  - b. Capacity / Queuing / Traffic Control / Geometric Impact Analysis for study intersections
  - c. Warrant Analysis for proposed / recommended traffic control changes
6. MULTIMODAL REVIEW
  - a. Pedestrian / Bicyclist / Transit Accommodations
    - i. Site considerations
    - ii. Connectivity to facilities near the site

## 7. CONCLUSIONS

- a. Discuss potential concerns or modifications to the following:
  - i. Roadway / intersection safety or operations
  - ii. Traffic control / geometric impacts to the streets / intersections
  - iii. Pedestrian / Bicyclist / Transit accommodations
- b. Discuss any trends in crash data
- c. Recommendations





**DICKINSONLAW**  
Dickinson Mackaman Tyler & Hagen P.C.

Benjamin D. Bruner  
(515) 246-4510  
bbruner@dickinsonlaw.com

December 4, 2015

*Via Regular and Certified Mail*

Diane Rauh, City Clerk of Des Moines  
1st Floor City Hall - 400 Robert D. Ray Drive  
Des Moines, Iowa 50309  
VIA EMAIL: cityclerk@dmgov.org

**Re: Appeal of November 19, 2015 Planning and Zoning Commission Denial  
Decision (QuikTrip Corporation - ROW Vacation and Site Plan Approval  
related to 1200 Keosauqua Way, Des Moines, IA)  
Our File No.: 2015-4577**

Dear City Clerk:

At a meeting on November 19, 2015, the Des Moines Planning and Zoning Commission denied a request from QuikTrip Corporation for: 1) the vacation of a right-of-way of a segment of Center Street; and 2) the approval of a Site Plan "QuikTrip No. 0526" for the development of a convenience store at 1200 Keosauqua Way. A copy of the November 19, 2015 meeting agenda is attached hereto for reference and the agenda item noted therein is Item #5B. This letter shall serve as formal written appeal of said Planning and Zoning Commission decision and as further notice of the same and request for a hearing to the Des Moines City Council.

This appeal and request for hearing is timely and properly submitted to the City Clerk in accordance with Des Moines City Code Section 82-210. Any and all questions or concerns can be submitted to the undersigned. Please acknowledge receipt of this notice/appeal in the space provided below. The undersigned would request that the appeal hearing be scheduled on or after January 11, 2016.

Thanks in advance for your time and attention to this matter.

Very truly yours,

Benjamin D. Bruner

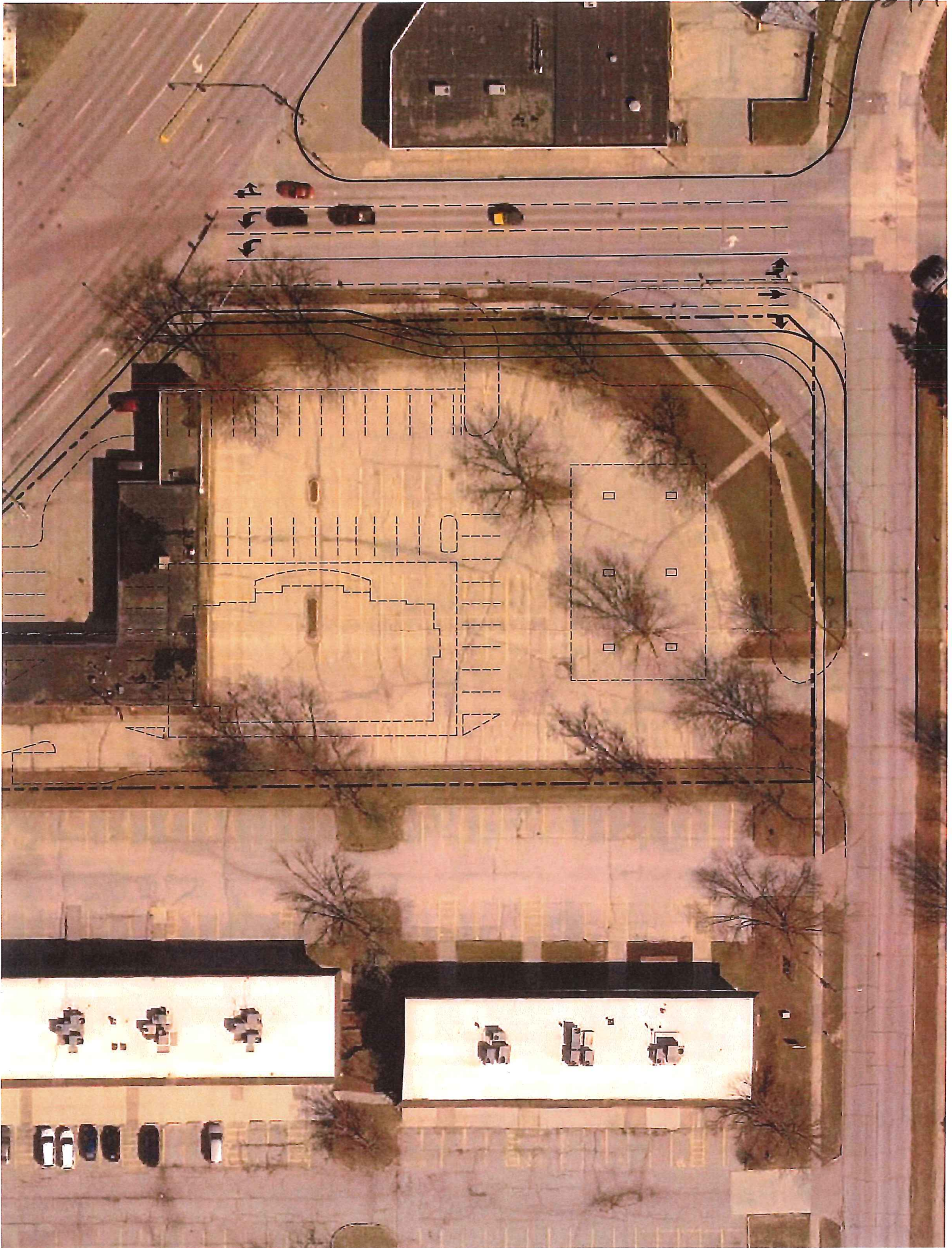
BDB/rn  
Enclosures

Cc: Des Moines Community Development Department (Attn: Mike Ludwig – VIA EMAIL)  
MGLudwig@dmgov.org

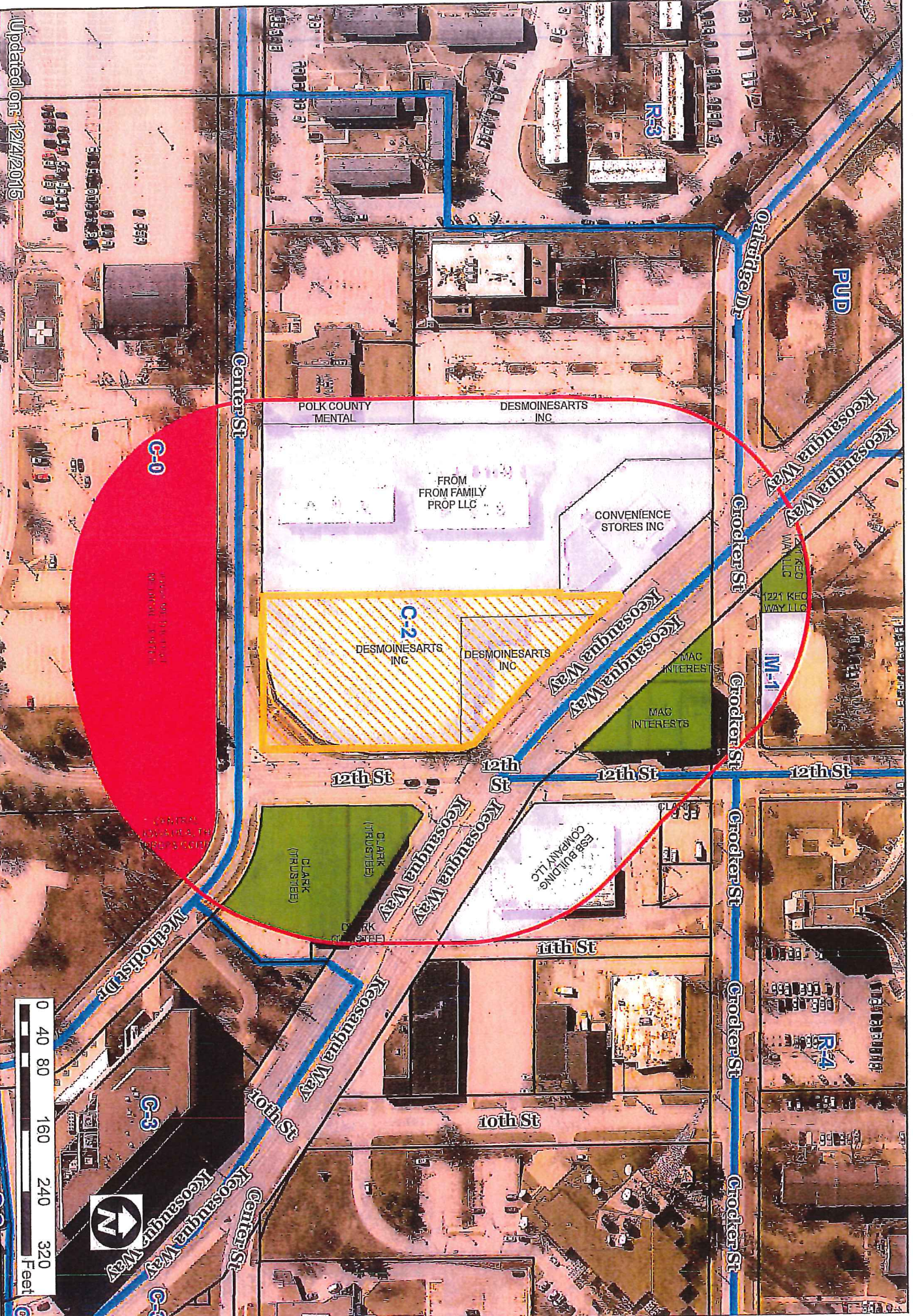
Document2



S2 39A







37752



December 18, 2015

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 November 19, 2015, the following action was taken regarding a request from Quik Trip Corporation (purchaser) represented by Matt Brooks (officer) for the following actions related to property located at 1200 Keosauqua Way:

- A) Vacation of an irregular segment of Center Street adjoining the southeastern portion of the subject property where it intersects with 12th Street. (11-2015-1.24)
- B) Review and approval of a Site Plan "Quik Trip No. 0526" under design guidelines for gas stations/convenience stores, on property located at 1200 Keosauqua Way and 1201 Center Street, to allow development of a 5,773-square foot convenience store with a pump island canopy for 12 fueling locations. The subject property is owned by Des MoinesArts, Inc. and the Dorothy V. Clark Revocable Trust. (10-2016-7.19)

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 5-3-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles		X		
JoAnne Corigliano				X
Jacqueline Easley		X		
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes			X	
Greg Jones	X			
Sasha Kamper				X
Brian Millard		X		
William Page	X			
Jonathan Rosenbloom	X			
Mike Simonson	recused himself			
CJ Stephens				X
Greg Wattier				X

**DENIAL** of the requested 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. (11-2015-1.24)

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

Part A) Staff recommends 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.

Part B) Staff recommends 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.

### Written Responses

2 In Favor

1 In Opposition

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

### **I. GENERAL INFORMATION**

1. **Purpose of Request:** The applicant is proposing to redevelop the site. The existing building, surface parking and right-of-way would be removed and replaced with a 5,773-square foot convenience store building and fuel pump island.
2. **Size of Site:** The site measures 73,208 square feet (1.68 acres). This includes 4,434 square feet of right-of-way.
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, "D-O" Downtown Overlay District, "GGP" Gambling Games Prohibition Overlay District, and "FSO" Freestanding Sign Overlay.
4. **Existing Land Use (site):** Vacant commercial building and surface parking lot.
5. **Adjacent Land Use and Zoning:**
  - North** – "M-1"; Use is a vacant commercial building.
  - South** – "C-0"; Use is the Unity Point Health Iowa Methodist Medical Center.
  - East** – "C-2"; Use is an office and warehouse building.
  - West** – "C-2"; Uses are office buildings and Git-N-Go Convenience Store.
6. **General Neighborhood/Area Land Uses:** The subject site is located at the intersection of Keosauqua Way and 12<sup>th</sup> Street in the downtown. The area contains a mix of commercial, medical and residential uses.



7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Downtown Des Moines Neighborhood. The neighborhood was notified of the October 15, 2015 Commission meeting by mailing of the Preliminary Agenda on September 25, 2015 and the Final Agenda on October 9, 2015. Additionally, separate notifications of the hearing for the site plan were mailed on October 5, 2015 (10 days prior to the initial hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site for the October 15, 2015 meeting.

The neighborhood was notified of the November 19, 2015 Commission meeting by mailing of the Preliminary Agenda on October 30, 2015 and the Final Agenda on November 12, 2015. Additionally, separate notifications of the hearing for the right-of-way vacation were mailed on November 9, 2015 (10 days prior to the hearing) to the Downtown Des Moines Neighborhood Association and to the primary titleholder on file with the Polk County Assessor for each property adjoining the impacted right-of-way.

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 Downtown Des Moines Neighborhood Association notices were mailed to Larry Bradshaw, 418 6th Avenue, Suite 902, Des Moines, IA 50309.

8. **Relevant Zoning History:** None.

9. **2020 Community Character Land Use Plan Designation:** Downtown Support Commercial.

10. **Applicable Regulations:** In acting upon any site plan application for development of property located within the Downtown Overlay District, the community development director (or plan and zoning commission if applicable) shall apply the regulations in section 82-213 of this article and the design guidelines in this section except as to those site plan applications for development of property located in the R1-60 and R-HD zoning districts within the downtown overlay district, which are in consideration of the criteria set forth in Chapter 18B of the Iowa Code. The decision to approve, approve subject to conditions or disapprove a proposed site plan shall be based upon the conformance of the site plan with such design regulations and the following guidelines. These guidelines shall be applied to the entire site when a new building is constructed or when an existing building is cumulatively expanded by more than 50% of its gross floor area as of the time it became part of the downtown overlay district. If a building is cumulatively expanded by less than 50% of its gross floor area as of the time it became part of the downtown overlay district, then these guidelines shall apply only to the expansion of the building.

In consideration of the criteria set forth in Chapter 18B of the Iowa Code, 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.

The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

## **II. ADDITIONAL APPLICABLE INFORMATION**

- 1. Downtown Overlay District Design Guidelines:** These design guidelines are applicable to any development within the Downtown Overlay District:

- A) Projects should demonstrate understanding of the micro and macro context for the project by offering place specific solutions for materiality, massing, uses, fabric and climate that are consistent with the vision of the "What's Next Downtown Plan". In most cases, corporate prototype architecture may not be an acceptable design.

*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 ingrates 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 exasperated by the fact that two auto-oriented convenience stores (Git-N-Go and Kum & Go) already existing directly northwest of this site along the Keosauqua Way corridor.*

- B) Low impact development techniques should be utilized which implement site water quality control solutions, using materials which are locally available and creating projects which minimize energy consumption.

*An underground storm water facility with a separator component for water quality purposes is proposed within the eastern portion of the parking lot. Staff is not aware of any additional low impact development techniques being utilized.*

- C) Connectivity between adjacent properties should be provided or demonstrated for both pedestrian and vehicular circulation.

*Public sidewalks would be provided along Keosauqua Way, 12<sup>th</sup> Street and Center Street. A private walk is proposed from the Keosauqua Way sidewalk to the parking lot. Staff believes marked pedestrian routes should be provided from the 12<sup>th</sup> Street and Center Street sidewalks to the building.*

- D) The incorporation of 'soft (green) spaces' on site is encouraged.



*Turf and a mix of trees and shrubs are proposed along the perimeter of the parking lot and fueling area. Staff does not believe the site plan meets the intent of this guideline. The intent is for well landscaping areas to be mixed in the urban environment of the downtown. Most of the site would consist of parking lot with narrow bands of grass and plantings. The proposed mix of tree types and plant spacing does not comply with the "C-3" District Parking Lot Perimeter Landscaping Standards, which requires 1 overstory tree and 10 shrubs per 40 lineal feet of frontage. Additional information regarding landscaping is contained in Section II, subparagraph 6 of this report.*

- E) Where feasible, projects should provide outdoor spaces for people gathering.

*Two tables are shown on the site plan near the front of the building for customers.*

- F) If feasible, connections to adjoining bike paths or on-street bike facilities and on-site bike racks should be provided in close proximity to building entrances.

*Bike racks are proposed along the front of the building.*

- G) Building heights. Minimum height for all uses should be the lesser of 36 feet or three stories.

*The applicant is proposing a one-story building with a primary height of 16 feet. The design includes several parapets with the tallest extending 22 feet above grade. The proposal does not comply with this guideline.*

- H) Bulk standards, building setbacks, orientation, frontage and residential access:

1. All buildings with river frontage should orient towards the river and have building entrances that are oriented to the river and primary street(s).

*N/A.*

2. All buildings without river frontage should have entrances oriented toward primary street(s).

*The building would have entrances that face the three streets that adjoin the site. However, the building would be substantially setback and no direct pedestrian routes to the entrances would be provided. Therefore, the proposal does not comply with the intent of this guideline.*

3. All buildings should have frontage on principal street(s) of not less than 70 percent of the lot.

*The proposed building would be substantially setback and would have no frontage along Keosauqua Way, 12<sup>th</sup> Street or Center Street. The proposal does not comply with this guideline.*

4. For commercial and mixed-use buildings, at least 70 percent of the building frontage should be within one foot of the property line.

52-39A  
~~39A~~

*The proposed building would be substantially setback and would have no frontage along Keosauqua Way, 12<sup>th</sup> Street or Center Street. The proposal does not comply with this guideline.*

5. At least one building entrance for residential uses should directly access the street when a residential use is located above street-level retail or commercial uses.

N/A.

6. For residential buildings, a maximum setback of 15 feet from the public right-of-way is permitted unless superseded by bulk regulations of the underlying zoning district (i.e. R-HD Residential Historic District, R1-60 Low Density Residential District, etc.).

N/A.

- I) Storage of all materials and equipment should take place within completely enclosed buildings.

*The trash enclosure would include a space for a can crusher machine. The applicant has submitted an image of the machine. It has the appearance of a typical vending machine. The front of the machine would not be shielded, so it would be easily accessible. Staff believes it would be adequately shielded from view given its limited size, its incorporation into the masonry trash enclosure and its location at the rear property line.*

- J) All refuse collection containers and dumpsters should be enclosed on all sides by the use of a permanent wall of wood, brick or masonry and steel gates which are compatible in design with the principal structure.

*A trash enclosure is proposed in the northwest portion of the parking lot. It would be constructed of masonry walls to match the building with metal frame and fabric mesh gates.*

- K) All open areas not used for off-street loading or parking should be landscaped in accordance with the Des Moines Landscape Standards for C-3 districts.

*The proposed mix of tree types and plant spacing does not comply with the City's Landscaping Standards for Parking Lot Perimeters in a "C-3" District. This standard requires 1 overstory tree and 10 shrubs per 40 lineal feet of frontage. Additional information regarding landscaping is contained in Section II, subparagraph 6 of this report.*

- L) Access doors for any warehouse use and any loading docks should not front on any public street.

N/A.

- M) Gas stations/convenience stores should be limited to no more than six pumps and allow no more than 12 vehicles to be fueled at one time.



*A total of six pumps with 12 fueling locations are proposed.*

- N) Gas station / convenience stores and canopies, drive-thru facilities for restaurants, banks, parking garages and other auto-dominant uses should not front or have vehicular access on or to a pedestrian corridor as designated in the downtown pedestrian corridor map on file in the office of the city clerk as approved by city council resolution.

*The site is not located along a designated pedestrian corridor.*

- O) Existing curb cuts should be consolidated to the minimum number necessary and be located as directed by the city traffic engineer and community development director.

*The site plan shows a total of three curb cuts with one along each of the adjoining streets. The Traffic and Transportation Division has indicated that a drive approach to 12th Street would not be permitted given the close proximity of the Center Street intersection to the Keosauqua Way intersection.*

- P) Parcels proposed for development that are greater than two acres should be rezoned to a planned unit development (PUD) zoning classification.

*The site measures 73,208 square feet (1.68 acres). This includes 4,434 square feet of right-of-way.*

- Q) Auto-dominant uses as described in guideline "N" above should be located in a mixed use commercial center and with buildings possessing a unified commercial design.

*The proposed development is an auto-dominant use. The applicant is proposing a standalone convenience store with fuel sales that would not be located within a mixed use commercial center. This does not comply with this guideline.*

- R) Parking ramps should either include ground floor retail or commercial space, be designed for conversion to retail or commercial space, or have significant architectural detail.

N/A.

**2. Design Guidelines for Gas Station/Convenience Stores:** The following design guidelines are applicable for any site plan for a gas station/convenience store:

**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.

*The site plan includes all the traditional elements of a convenience store site. However, the proposal does not speak to the local context. 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 as envisioned by the "What's Next Downtown Des Moines Plan."*

- 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 site measures 73,208 square feet (1.68 acres). This includes 4,434 square feet of right-of-way.*

- 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 measures 73,208 square feet and would contain 12 fueling locations. A total of 14,642 square feet of open space is required to comply with this guideline. The site plan states 14,353 square feet of open space is provided, which is deficient.*

- 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 site plan includes all the traditional elements of a convenience store site. However, the proposal does not respond to the local development patterns. 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 as envisioned by the "What's Next Downtown Des Moines 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.

*The site does not adjoin any residential uses. The proposed refuse enclosure and can crusher housing area are proposed at the rear property line to the northwest of the building. It would be visible from Keosauqua Way. However, a less visible location is only possible if the building and/or delivery lane behind the building were altered since the site has street frontages on three sides.*

- 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.

*Public sidewalks would be provided along Keosauqua Way, 12th Street and Center Street. A private walk is proposed from the Keosauqua Way sidewalk to the parking lot. The proposal does not comply with this guideline as marked pedestrian routes are not provided from the 12<sup>th</sup> Street and Center Street sidewalks to the building.*

## 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.

*The three street facing facades of the proposed building would be sided with brick and porcelain tile and would have aluminum cornices and entrance canopies. The rear façade would be sided with brick.*

*The one story nature of the proposed building and the limited ratio of building footprint to pavement for vehicular movement is not in character with the vision of "What's Next Downtown Des Moines Plan" or the established urban development pattern of the downtown core.*

- 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.

39A52  
~~211~~

- 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 three street facing facades of the proposed building would be sided with brick and porcelain tile and would have aluminum cornices and entrance canopies. The rear (west) façade would be sided with brick with no other detail.*

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

*The proposed fuel pump island canopy would be sided with metal and supported by columns wrapped in brick to match the 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 building design includes wall plane variation and parapet wall height on the three street facing facades.*

- 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 building design includes wall plane variation, material variety and varying parapet wall heights on the three street facing facades.*

- 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.

*The proposed fuel pump island canopy would be sided with metal and supported by columns wrapped in brick to match the building.*

- (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 submitted information indicates the total canopy height would range from 18 feet, 6 inches to 23 feet due to grade. The height of the underside of the canopy would range from 15 feet to 19 feet.*

- 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.

*Outdoor display areas are noted on the site plan by the pumps under the canopy and near the front entrance along the east façade of the building.*

### 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.

*The proposed mix of tree types and plant spacing does not comply with the "C-3" District Parking Lot Perimeter Landscaping Standards, which requires 1 overstory tree and 10 shrubs per 40 lineal feet of frontage. Additional information regarding landscaping is available in Section II, subparagraph 6 of this report.*

- 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.

*There are no residential uses adjacent to the subject property.*

- 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.

*The proposed trash enclosure would have brick walls to match the building and would be located along the rear property line. Views of the enclosure would be obscured by plant material.*

- 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, and decorative sign foundations and housing.

*A large planter bed is proposed at the corner of Center Street and 12<sup>th</sup> Street. Enhanced landscaping is not proposed at the Keosauqua Way and 12<sup>th</sup> Street intersection, which does not comply with this guideline.*

- E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved Site Plan.

*The site plan includes a note that states "the required landscaping, both existing and proposed, shall be maintained for the life of the Certificate of Occupancy."*

- F. Monument signs are encouraged and are required when the site adjoins a residential district.

*The site plan proposes a monument sign at the Keosauqua Way entrance and at the Center Street entrance. It notes that they would be 7 feet, 1 inches tall by 11 feet, 1 inch wide. Designs of the signs have not been submitted. All freestanding signs are subject to the following regulations.*

**Sec. 134-1276. General regulations.**

- (p) *Sign exceptions.* The regulations applicable to signage in this chapter, including the district regulations, shall be subject to the following exceptions:

- (4) *FSO Freestanding sign overlay district.* The intent of the FSO freestanding sign overlay district is to decrease visual clutter along city corridors, streetscapes, and throughout the entirety of the city by requiring height restrictions for freestanding signs and encouraging the use of monument signs. The FSO freestanding sign overlay district applies to all land within the city or hereafter annexed into the city. The following regulations supersede any less restrictive regulations established in the district regulations:

- (a) Pole signs are prohibited.
- (b) Any on-premises advertising sign that is a freestanding sign shall be a monument sign, and shall comply with the following height restrictions measured from grade to the highest point on the sign:
  - (1) If located at or within 25 feet from the front lot line, the sign shall be no more than 8 feet in height.
  - (2) If located more than 25 feet from the front lot line, the sign shall be no more than 15 feet in height.

**Sec. 134-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Sign, freestanding* means a sign not attached to any building and is further defined as follows:

- (2) *Sign, monument* means a sign affixed to a structure built on grade, having a solid opaque base, constructed of brick, stone, concrete block or other durable material matching the exterior of the primary building and extending from grade to the bottom of the sign face across the entire width of the sign face. The height of the sign base must be not less than the larger of 2 feet or 25 percent of the total sign height. Monument signs are sometimes referred to in this chapter as monumental signs.

**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.

*The site is surrounded by commercial uses. The submitted photometric plan indicates that lighting would exceed the 2 footcandle guideline at some locations. The lighting plan must be amended to address any areas where lighting exceeds this guideline.*

- 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 (fascia) 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 drawings indicate the fuel pump island canopy would have recessed lights with lenses that are flush with the bottom surface 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'.

*The photometric plan indicates all pole mounted fixtures would have a maximum height of 20 feet. The plan does not note if all fixtures would be full cut-off design.*

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 photometric plan does not indicate if the building-mounted fixtures would be full-cut off design.*

3. **Parking:** A minimum of 20 off-street parking spaces are required for the proposed 5,773-square foot building (1 per 300 square feet). The applicant is proposing 47 parking spaces.
4. **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. The applicant is proposing underground storm water detention within the parking lot.
5. **Street System:** The Center Street and 12<sup>th</sup> Street intersection includes a separated right-turn lane for southbound 12<sup>th</sup> Street traffic to turn westbound onto Center Street. The original proposal from the applicant left this intersection as it is currently configured. The Traffic and Transportation Division has indicated that a traffic study is required that

39A  
21152

analyzes existing traffic turning movements and geometry, and opening day turning movements and geometry. This is necessary to determine if a right-turn lane is necessary.

The Traffic and Transportation Division has indicated that a drive approach to 12<sup>th</sup> Street is not permitted given the close proximity of the Center Street intersection to the Keosauqua Way intersection.

6. **Landscaping:** All development in the "D-O" Downtown Overlay District is subject to the City's Landscaping Standards for the "C-3" District. The applicable parking lot perimeter standards for the "C-3" District consist of 1 overstory tree and 10 shrubs per 40 lineal feet of frontage. This would generally require 5 overstory trees and 46 shrubs along Keosauqua Way, 7 overstory trees and 65 shrubs along 12<sup>th</sup> Street and 4 overstory trees and 38 shrubs along Center Street. These calculation exclude drive approaches except for the 12<sup>th</sup> Street approach as it must be removed per direction from the Traffic and Transportation Division. In addition, an ornamental fence is typically required along all street frontages where parking and maneuvering space fronts a street. The applicant is also required to provide 1 street tree per 30 lineal feet along 12<sup>th</sup> Street and Center Street. Street trees are not shown on the site plan. The submitted site plan does not comply with the "C-3" District Landscaping Standards.

## SUMMARY OF DISCUSSION

*Jacqueline Easley joined the meeting @ 6:05 p.m.*

Erik Lundy presented the staff report and recommendation.

*John "Jack" Hilmes joined the meeting @ 6:12 pm*

Ben Bruner Dickinson Law Firm 699 Walnut Street representing Quik Trip along with Mike Talcott. He gave an overview of what the project is, benefits to the area and addressed some of the concerns staff pointed out. He showed pictures of the site which was recently used as an auto glass business. He pointed out the maintenance this building would need is great, it is vacant, unused and an eyesore coming into the downtown core. Quik Trip has a long history of investing in the Des Moines market and is very excited about being a part of the Keosauqua Way corridor. He showed the current elevations of the project. Quik Trip's plan is to redevelop this site into a high level, high end modern prototype gas and convenience store similar to the stores at 6<sup>th</sup> & University and E. University and East 30<sup>th</sup> Street. This project currently has over 5700 finished square feet and offers a lot more than the traditional convenience store products. Bread, eggs, fresh produce and made to order deli sandwiches, pizza and coffee. Making this more of a neighborhood market with a fuel sales. The building would be a very aesthetic modern design that would provide a well-lit, landscaped, well maintained convenience store that would service the neighboring residents, downtown businesses, and the commuters that come into downtown each day. This store would be opened 24 hours a day, 7 days a week.

They are willing to work with staff to resolve the traffic, landscaping and fencing concerns. They are committed to addressing any and all of the issues staff raises to their satisfaction. The "C-2" zoning classification allows a gas and convenience store in this location. He believes that they are in compliance with the zoning ordinance for a convenience store. However, the Downtown Overlay design guidelines seem to be an issue. The following



issues that the applicant cannot accomplish from a practical planning and operation standpoint are:

- A minimum height of 36 feet or 3-stories
- Placing the building within 1 foot of the property line

He notes that the Keosauqua Way corridor is a primary vehicle commuter route from I-235 to the downtown core. Therefore, it is not a designated pedestrian corridor. It is more of an entrance into downtown. He asked that the Commission look around that area as well when making their decision. He believes that the Downtown Overlay Guidelines should be viewed as "guidelines". Any other treatment or interpretation would appear to practically render this convenience store's use, which is allowed in the specific "C-2" zoning, to be a prohibited use.

Mike Talcott Quik Trip Corporation 5725 Foxridge Drive, Mission, Kansas stated they believe in reinvesting in their locations where possible they try to stay on the same property. Keosauqua Way corridor is something he has been fighting for in his corporation for three years. Addressed the vehicular mobility through the site. The practical problem from a convenience store perspective is placing the building up against the sidewalk on a site that is small. As Quik Trip moves to their new design of the stores they are trying to diminish the conflict between cars, pedestrians and customers. Safety is very important to them. They have three entrances now. They have become ADA pre-certified by the Department of Justice before every store is opened. They care about pedestrian accessibility and walkability. Customer surveys have indicated that 7 out of 10 customers are not getting gas. He has worked with staff on many projects and they have always been able to work out something where everyone is happy with. He is never going to fight staff on another tree or even a fence. They want the store to look good and they will do whatever it takes.

Jann Freed stated her concern is she is not sure that the What's Next Downtown Plan supports having another convenience store in this area.

Mike Talcott stated this area meets Quik Trip's criteria for where they would look for to put a store.

Greg Jones stated the Downtown Overlay Plan should have a fuzzy edge. He would be willing give up a lot of design requirements except for having the building out on the edge of the street. If Quik Trip cannot make that work then they probably chose the wrong site.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

Justin Mandelbaum 900 Keosauqua Way stated this is a bigger picture from a planning perspective than just the Quik Trip site, and explained how it relates to additional properties on Keosauqua Way. They purchased 900 Keosauqua Way and a couple of other parcels of land. They are a 501(3)c of whose mission is to provide permanent, affordable space for the local artists. The City is at risk of losing our artists. They are supportive of redevelopment but they are also supportive of their artists and recognize how important they are for our City. They believe that by combining a lot of artists under one roof they create an amenity that serves as an economic driver to attract the creative class to Des Moines and then by extension young professionals and businesses. Art makes a life more interesting for all. They have designed their non-profit to be financially self-sustaining. They have had a great amount of support. However, they still have a long ways to go.



Selling this land to Quik Trip is critical to making Des Moines Arts a reality and he believes the Quik Trip store is a good support use for the artists, good for the neighborhood and good for Des Moines Arts. For the artist it would be a mini grocery store. Quik Trip would be good for the neighborhood. It replaces a dilapidated building, and vacant parking lot with a new development that is well landscaped, well-lit, and well maintained that will provide a clean and safe environment. Most importantly for Des Moines Arts is to receive the land sale proceeds. He asks that the Commission approve the applicant's request because denying the applicant's request will put the Des Moines Arts project at risk.

Will Page asked how many artist studios is he projecting for the building.

Justin Mandelbaum stated their current plans are 180 studios which will be of various sizes. They did a demand survey and over 400 artists participated. Most either needed to move in "yesterday" or they are interested in moving in to the space. They have about 60 studios per floor. There will be three floors of studios and 1 1/2 floors of specialty arts uses. They have no money to start construction. If the sale with Quik Trip closes, construction could start immediately and the arts building could be open summer of 2016.

Jann Freed stated she could not be more supportive of their arts project. She believes there is a need for it, and she is aware of other buildings closing that currently house artists. She would think that the artists would want something more interesting than a convenience store next to them. If this was the only convenience store on the street she would understand this project. She believes that there is something more interesting that could go into this space.

Justin Mandelbaum stated he believes that everyone has their own perspective about what is interesting for the artists. From his experience in Massachusetts most of these artists aren't the type to go and spend \$5 on a Frappuccino to hang out and talk. Quik Trip is pretty much what they need. It has low price offerings, wide variety of food, and is open all hours of the day. While everyone wants the Des Moines Arts to happen, he is finding that no one wants to pay for it.

Brian Millard asked if this is a duplication of what is immediately up the street.

Justin Mandelbaum stated the face of it, the label convenience store – yes it is a duplication. If you walk into the stores they are all very different. Quik Trip offers a much wider variety of food and the pricing is different. Out of all his travel in the U.S. he has never seen three convenience stores in a row on the same side of the street. There is an opportunity if Quik Trip moves in that perhaps other sites can be redeveloped for higher and better use.

John Mandelbaum 2630 S. Woodridge Drive, West Des Moines stated he is the owner of Mandelbaum Properties and have been a developer in Des Moines and West Des Moines for 30 years. Signature products they built include the Des Moines Federal Court House Annex at E. 1<sup>st</sup> and Court Avenue and much more. They bought a crappy building from CenturyLink next to the Des Moines Arts Building on 9<sup>th</sup> Street that was converted from a parking garage to a childcare center. His family was key to the acquisition of the 900 Keosauqua Way Building which cost them a lot of money. There is not a dime in it for them and is probably the most expensive project he has ever been involved in. As a developer he looks to see if a better and higher use can be done which is what Quik Trip is doing on this corner and he also looks at what other use is possible. He believes that Keosauqua



Way is a primary street to get them from the suburbs into downtown Des Moines. It is not a shopping street, people are not typically going to shop at a retail store going into downtown on this street. Sides of streets are important. Other uses could be a bank but there is already a bank on Keosauqua Way. Could more than two banks go in on Keosauqua Way? At what point do you say we have enough or what point is that fair. Competition is good, and the addition of the Quik Trip would make everybody better in that business on that street. He believes the Commission should endorse this project, be welcoming, and celebrate the fact that something is being done for the arts in Des Moines. If this does not work they will be selling the building and give the money back to those who have given it. This is the Commission's one shot to make Des Moines better in the arts and to make a difference to our artists.

Siobhan Spain Director of Des Moines Arts 900 Keosauqua Way stated she meets with artists' everyday and knows there is a huge demand for artist studios. Artists influence our City heavily. She believes that artists are underrated. She has had a lot of experience with arts administration in Santa Fe and Los Angeles and she is very excited this project is happening in Des Moines. She stated that the artists are in need of affordable, permanent studios and the fact that it is downtown is very exciting. She admires Justin's vision in the fact of perseverance to see this project through. It has proven to be on point with what Des Moines needs. Quik Trip is offering a very sound proposal and now that she works and lives downtown on the south side she thinks about gas. There is currently one new convenience store and one subprime one that's not helping the corridor in her opinion. She likes that Quik Trip is offering this proposal. They're supportive of the neighborhood, the Des Moines Arts project and doing what they can to make it work. The Des Moines Arts building will be open 24/7 for artists and would be nice to know that a neighbor will be open 24/7 and have well-lit areas for the artists. She mentioned the trade-offs there would be with Quik Trip going in. Better landscaping, well-lit, maintained building and the artists will have space.

Mark Clark president of Electronic Engineering 1100 Keosauqua Way stated he is the neighbor across the street. He has worked in this location for 35 years. He is in favor of the applicant's request. He believes that Keosauqua Way will not be a pedestrian friendly for another 25 years. If Kum & Go was requesting this site instead of Quik Trip and Quik Trip was up the street he would still be in favor. He believes that Git-n-Go is not doing well.

Aubrey Alvarez 756 16<sup>th</sup> Street stated she is a proposed tenant for the kitchen area of the Des Moines Arts project. She hopes the Commission approves this Quik Trip project.

Rachel Buse 900 Keosauqua Way stated she is a local artist in Des Moines and she needs a lot of space for her work. She is excited about the Des Moines Arts project and believes the interesting thing on Keosauqua Way will be Des Moines Arts.

Chris Lorang 1010 43<sup>rd</sup> Street owns a chiropractor clinic in the East Village at 601 E. Locust. He is a community member, musician and a board member for the non-profit City Sounds which is behind the Des Moines piano project. Currently, the Des Moines Arts building is where the pianos are housed with the plan that they will remain there for the future. He fully supports the concept of walkability, sustainability and the complete street program. He is also a board member of the Historic East Village Neighborhood Association. He never imagined supporting a gas station as a means to support the arts but he believes that it is important that the Des Moines Arts building is looked at as a hub of



creativity for the future of the art scene in Des Moines. He also believes Quik Trip project will bring beauty to the area and he is in support of Quik Trip's request.

Rob Stephens stated he is a local artist and feels very lucky that he is a student in the Fitch Building and he is very nervous that it is going to close. He chose Des Moines because it has a very vibrant art scene. He believes this is a complicated issue and he is in favor of the applicant's request.

Lori Schervish 8944 Old Orchard stated she is present because she is passionate about art. She believes that putting funding at risk will put jobs at risk. The City also risks losing creative professionals like herself and others that she knows. She believes that art needs to be valued. It is a driver of tourism, philanthropy, education and more. Funding for non-profits is very challenging. This funding model for Des Moines Arts is a very exciting move forward.

Christopher stated he is a local artist but currently does not have a studio. He had a space in Art 316 and that is closed down. He has been looking around and the Fitch building is kind of always on the brink. Spaces are essential. He is working in his basement which is kind of depressing. More than space he believes that artists are looking for community of artists and an exchange of ideas. In order to have an artist community there needs to be a hub of some kind. People are involved in all areas of the community. He is in favor of the applicant's request.

Katelyn McBurney 1711 9<sup>th</sup> Street stated she is active in theatre and for the last three years she has been street performing as a living statue. She stated for the last two years she has been doing historic rehabilitation in Riverbend on 9<sup>th</sup> Street and to provide single-family housing for a small collective of artists. There are a lot of independent projects, new art projects in Des Moines that are really important to the City as it begins to grow and change. She commented that this area was previously her route to work and it was encouraging to see the development and changes in this area. A new store going will encourage development like we are seeing in other areas around Des Moines. In the past year she has had to rent a small office space to do her work. Alternatively, she would be renting from the Des Moines Arts because it would be at rates she could afford and in a community that she would be more than thrilled to be a part of. She is in support of the applicant's request.

Ron Wagner 340 SW 5<sup>th</sup> Street stated he is a local artist. He did Zombie Burger's murals. He has been in the Art 316 Building for the last 15 years. He needs space to create and believes artist folks bring interesting stuff to neighborhoods. He is in support of the applicant's request.

Mia Farrell 668 19<sup>th</sup> Street, Apartment 3 stated she is a local artist and is in support of the art studio project. Artists need to have the space to do their work.

John "Jack" Hilmes asked the Mandelbaum how sure are they that the Des Moines Arts project will come to fruition should they receive land sale proceeds from Quik Trip.

John Mandelbaum stated the Des Moines Arts project is a \$6 million plus project. They have raised about \$1.5 million in the community and the building cost them \$2 million. The Quik Trip land sale will generate \$2 million that can go to Des Moines Arts. That would be enough to build the top floor, the first floor, the basement and pay off some of the debt they

39A  
52



have incurred to buy the building. They raised about \$600,000 to buy the building. They bought it from CenturyLink and they were given forty-five days to close. The money he borrowed will have to be paid back. They have interviewed contractors and it is down to two. He believes that this will add jobs to Des Moines and they need the money from the land sale to Quik Trip to build out the studios.

John "Jack" Hilmes asked the percent chance that the Des Moines Arts studio is going to happen based upon the representations that have been made of the importance of the sale.

John Mandelbaum stated about 90%.

Justin Mandelbaum stated if the sale happens they will own the building for free and they will have about \$1.5 million in the bank that they can use to start the build out of the building. So at that point the project will happen at 100%. Then it would be a question to how much they would need to build out floors 2 and 3. Once you have your start their funders tell them is a lot easier to raise money when people can see there is activity in the building.

Joel Templeman Lillis O'Malley Law Firm 317 6<sup>th</sup> Avenue, Suite 300 stated he is representing Central Iowa Health/UnityPoint. They previously filed a letter of opposition to the applicant's request. They are here to reiterate their concern of the proposed site plan and its impact on surrounding properties. They are not opposed to development of this site. However, they believe the site plan as proposed will cause significant negative impact to the Iowa Methodist property regarding traffic flow and access. 12<sup>th</sup> Street is used for the emergency service vehicles to come to the hospital. They are concerned from a traffic flow standpoint that there could be some congestion, possibly some stacking due to this specific site plan. They are also concerns with the vacation of that portion of Center Street which would eliminate that right turn lane onto Center Street. He and Unity Point's consultants believe the vacation in conjunction with this development and proposed access point on 12<sup>th</sup> Street he envision will cause some serious traffic problems which would cause a safety concern. They believe further study and analysis are needed. He asked for denial of the both the vacation and site plan.

### Rebuttal

Ben Bruner stated they are open to working with staff and is in the business of being a good neighbor and safety is a key item. The reason no traffic study has been done up to this point is protocol. You get site approval and then spend the money and do the proper studies as far as, traffic. Gas stations typically don't create traffic, but capture the traffic. Whatever needs to happen to keep the intersection, the property and the surrounding property safe then Quik Trip is absolutely willing to work towards. The differentiation between the convenience stores are they have very different designs. Quik Trip is using brick, porcelain and tile, different contours, elevations, side canopy and the products they serve. With the exception of the building placement and building height, they are willing to work towards solutions with City staff. The placement of the building immediately abutting Keosauqua Way is a practical impossibility from a safety and operation standpoint. It creates an open parking lot. The design was to create a safe functional property. He asked that the Commission approve their request and if there are any conditions or



stipulations they would like to add outside of the building placement and the height they are happy to work towards solutions.

Dory Briles asked if the Downtown Neighborhood Association provided any response to this.

Ben Bruner stated he doesn't believe a formal response was submitted.

Jacqueline Easley asked staff the opinion of the neighbors.

Erik Lundy stated the difference is when the other store came in it was also a rezoning process so they had an obligation to hold a separate neighborhood meeting. In this case the same distance was notified and the contact person from the Downtown Neighborhood Association was advised and received a full agenda. No response has been received from the neighborhood association.

Ben Bruner stated contact was made to E-Bank and Oakridge Apartments and there was not a strong opposition. They seem to be okay with it.

#### **CHAIRPERSON CLOSED THE PUBLIC HEARING**

Jann Freed thanked everyone that came and spoke. She agrees with everything they said in terms of supporting the arts makes Des Moines interesting and it attracts interesting people. They have made it clear that one project depends on the other. She stated that whatever the outcome is she is not voting against the arts. However the Commission is voting on a convenience store site plan, not the arts building.

Tim Fitzgerald moved staff recommendation.

Brian Millard asked what has changed since Kum and Go was approved. It appears that Kum and Go does not comply with the Downtown Overlay District design guidelines.

Mike Ludwig stated the other Kum and Go property is in the Downtown Overlay District. However, they rezoned to a Planned Unit Development (PUD) so that it was the relief valve to the Downtown Overlay District design guidelines. PUD standards require a 2-acre site which Quik Trip does not have in this situation. The location of the two properties is different. Kum and Go is closer to I-235 and there is difference in the traffic flow and speed. The setbacks of the Kum and Go property specifically addressed the proximity to the Homes of Oakridge. Staff concern was the lighting and other impacts of the convenience store being right up next to the Homes of Oakridge and the building in that location would provide at least a buffer to some of that lighting and traffic issues. There are a lot of young children in the Homes of Oakridge.

Brian Millard stated it looks like the two site conditions and what is being required are about as far as part as they can be. He asked why staff requiring different conditions.

Mike Ludwig stated the Downtown Overlay is applicable to the subject property. The City is trying sustain an urban environment in the downtown. The 3-stories height minimum was added to the Downtown Overlay design guidelines to try and expand some of the zoning that was already in place in other areas of downtown. The applicant has been advised that PUD zoning is the preferred method to vary from the Downtown Overlay District design



guidelines on this site and other sites in the Downtown but they have not obtained at least a 2 acre site.

Tim Fitzgerald stated he majored in music in college. He is involved with the music community and has been his entire life. He finds it offensive that he hears that if this doesn't get passed it can kill the arts in the Des Moines area. That is not the Commission's intent. The Commission must look at what they are charged with and make a decision based upon the rules and standards.

Will Page stated he believes the Commission is charged to find some kind of balance in the City of Des Moines and while the arts obviously is an important part of that the Commission also has a responsibility to surrounding property owners such as Iowa Health System.

Erik Lundy stated the Downtown Overlay was adopted on November 7, 2011.

Brian Millard clarified his question. He stated the Downtown Overlay was in existence for a couple of years when the PUD for the Kum & Go came through.

Mike Ludwig stated the PUD allowed relief to the Downtown Overlay District design guidelines. It was a rezoning of the property.

#### **COMMISSION ACTION:**

Tim Fitzgerald moved staff recommendation for 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 denial of Part B) 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.

Motion passed 5-3-1 (Dory Briles, Jacqueline Easley, Brian Millard voted in opposition, John "Jack" Hilmes abstained due to testimony by Iowa Health/Unity Point and Mike Simonson recused himself from the entire discussion).

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "M. Ludwig", is written over the typed name.

Michael Ludwig, AICP  
Planning Administrator

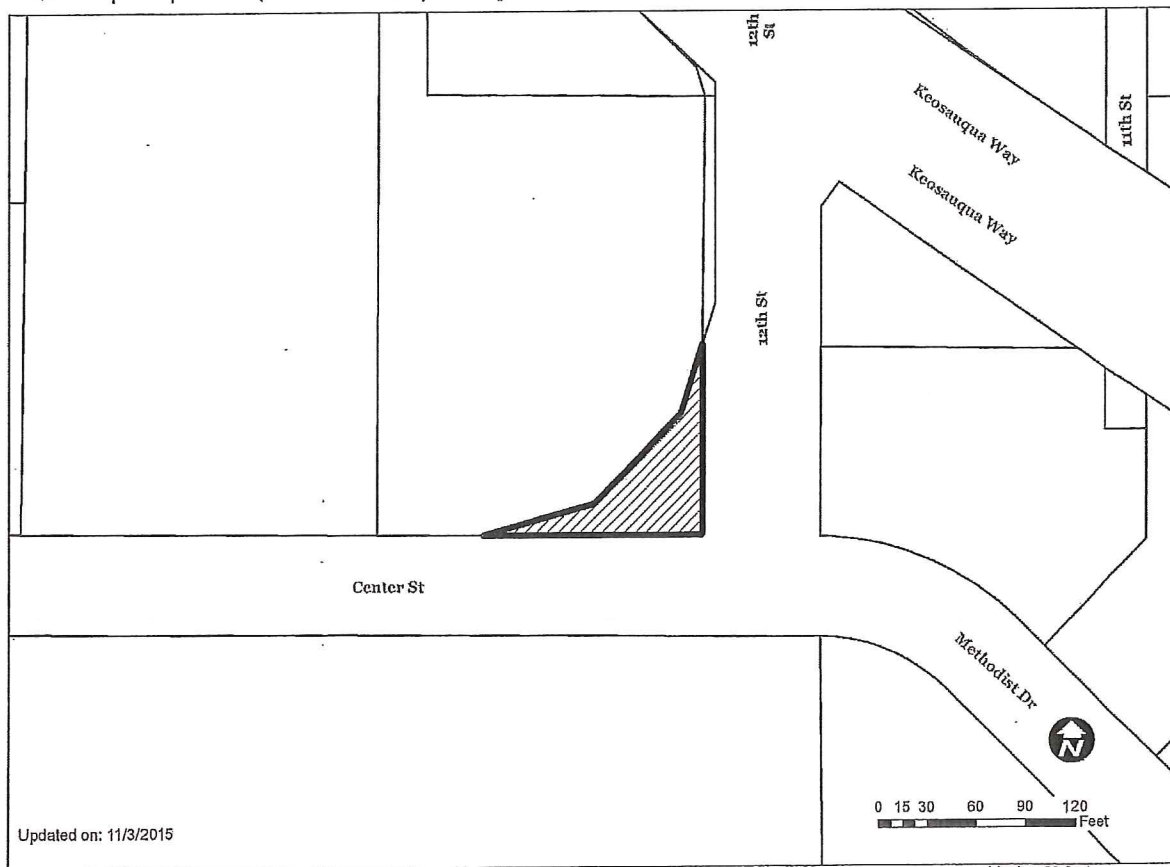
MGL:clw  
Attachment

39A  
52

<b>Quik Trip Corporation (purchaser) represented by Matt Brooks (officer) on property located at 1200 Keosauqua Way and 1201 Center Street. The subject property is owned by Des MoinesArts, Inc. and the Dorothy V. Clark Revocable Trust.</b>				<b>File #</b> 11-2015-1.24	
<b>Description of Action</b>		Denial of the proposed vacation of an irregular segment of Center Street adjoining the southeastern portion of the subject property where it intersects with 12th Street does not comply with the Downtown Overlay District Design Guidelines and the Gas Station/Convenience Store Site Plan Design Guidelines.			
<b>2020 Community Character Plan</b>		Current: Downtown Support Commercial. Proposed: N/A.			
<b>Mobilizing Tomorrow Transportation Plan</b>		No Planned Improvements.			
<b>Current Zoning District</b>		"C-2" General Retail and Highway-Oriented Commercial District, "GGP" Gambling Games Prohibition District, "D-O" Downtown Overlay District, and "FSO" Freestanding Signs Overlay District.			
<b>Proposed Zoning District</b>		N/A.			
<b>Consent Card Responses</b>		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		1	2		
Outside Area					
<b>Plan and Zoning Commission Action</b>		Approval		<b>Required 6/7 Vote of the City Council</b>	
		Denial	5-3-1	Yes	
				No	X

Quik Trip Corporation, 1200 Keosauqua Way

11-2015-1.24





# Electronic Engineering

Connections you can count on.

November 16<sup>th</sup>, 2015

Planning and Zoning Commission  
City Hall  
400 Robert D Ray Drive  
Des Moines, Iowa 50309

**RE: Support for Item 5 on 11/19/15 Meeting Agenda** (11-2015-124)  
and  
(10-2016-719)

Dear Planning and Zoning Commission:

I am writing to express my strong support for the new QuikTrip store at 12<sup>th</sup> Street and Keosauqua Way, identified in items 5A and 5B on the 11/19/15 meeting agenda.

As the owner of Electronic Engineering, my family is one of the larger landowners on Keo, with three properties having frontage of Keo within one block of the proposed site. Our parcels include 1201 Keo, 1207 Keo, 1100 Keo, 805 12<sup>th</sup> Street, 814 10<sup>th</sup> Street and 820 10<sup>th</sup> Street, (we are also contract sellers of 1200 Keo to DesMoinesArts). Our headquarters are directly across the street to the south from the proposed QuikTrip.

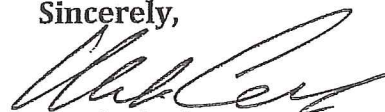
We view QuikTrip's selection of Keo as a **big win for the neighborhood**:

1. Beautification: QuikTrip's new stores are top-notch, which will serve to cleanup the main entrance into downtown with a new development.
2. Increase property values: The new store would replace a dilapidated building and vacant lot with a high-value development that would not only earn the City tax revenue (no development incentives needed), but would also increase the neighboring property values.
3. Increased food offerings: As loyal QuikTrip customers, my employees and I will appreciate having wider food choices nearby.
4. Appropriate scale and use: The scale fits into the one story buildings nearby, and the use is one that can actually be used by the people that work on and commute by Keo.

Electronic Engineering has been located on Keo since 1962. The street is finally starting to improve. QuikTrip is a welcomed addition, and we believe it will serve as a catalyst for more improvements to come.

Electronic Engineering  
1100 Keo Way  
Des Moines, IA 50309  
(515) 283-1100  
(800) 343-3998  
Fax: (515) 244-6948

Sincerely,



Mark Clark  
President, Electronic Engineering

39A  
52

# LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

## ATTORNEYS AT LAW

(ESTABLISHED 1917)

317 SIXTH AVENUE, SUITE 300  
DES MOINES, IOWA 50309-4127

TELEPHONE (515) 243-8157

FAX (515) 243-3919

WWW.LILLISOMALLEY.COM

WILLIAM J. LILLIS  
MICHAEL W. O'MALLEY  
EUGENE E. OLSON  
DANIEL L. MANNING  
CHRISTOPHER R. POSE  
JOEL B. TEMPLEMAN\*  
BRIDGET O'MALLEY KAUTZKY  
DANIEL M. MANNING

\*LICENSED IN IOWA & ILLINOIS

JOHN CONNOLLY, JR. (1891-1975)  
GEORGE E. O'MALLEY (1905-1982)  
JOHN CONNOLLY III (1918-1998)  
BERNARD J. CONNOLLY (1920-1970)  
C. I. MCNUTT (1901-1958)  
STREETAR CAMERON (1957-2008)

Writers' Direct E-Mail Address: [willis@lolaw.com](mailto:willis@lolaw.com) and [jtempleman@lolaw.com](mailto:jtempleman@lolaw.com)

November 18, 2015

Chair Greg Jones and  
Members of the Planning and Zoning Commission  
City of Des Moines  
City Armory Building  
East 1<sup>st</sup> and Robert D. Ray Drive  
Des Moines, IA 50309

RECEIVED  
COMMUNITY DEVELOPMENT

NOV 19 2015

DEPARTMENT

SUBJECT: Site Plan – Proposed QuikTrip –1200 Keosauqua Way

Honorable Chair and Members of the Planning and Zoning Commission:

Our law firm represents Central Iowa Health and UnityPoint (hereafter "Central Iowa Health").

Central Iowa Health owns real estate adjacent to the proposed QuikTrip to be located in the vicinity of Keosauqua Way, 12<sup>th</sup> Street and Center Street ("Site"). Central Iowa Health is not opposed to the development of the Site, but the proposed site plan, as presented, is unacceptable.

On the agenda for the Planning and Zoning Commission meeting of Thursday, November 19, 2015 (Items No. 5(A) and 5(B)) is the consideration by the Commission of the Site.

Central Iowa Health has concerns regarding the proposed development and its impact upon Central Iowa Health's property.

We reviewed the staff recommendation regarding the proposed vacation/conveyance of a portion of 12<sup>th</sup> Street and Center Street (Item No. 5(A)) and agree with the recommendation to deny. We have also reviewed the proposed site plan (Item No. 5(B)) and agree with the recommendation to deny.

In addition, Shive Hattery has reviewed the proposed site plan and its impact on Central Iowa Health's property. Our preliminary analysis indicates potential significant negative impacts related to traffic flow on the adjacent public infrastructure and therefore on surrounding properties. We are of the opinion that, at a minimum, a Traffic Impact Study must be completed to determine the scope of the impact that the proposed development will have on the public infrastructure and the functionality of the surrounding properties.



**LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP**

Chair Greg Jones and  
Members of the Planning and Zoning Commission  
November 18, 2015  
Page 2

---

We request this letter be received, filed and made a part of the consideration of Item Nos. 5(A) and 5(B) by the Commission on Thursday, November 19, 2015.

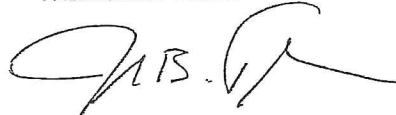
We concur with the staff recommendations to deny both Items 5(A) and 5(B).

We plan to be present to review our concerns as to the proposed use at the Site.

Very truly yours,



William J. Lillis



Joel B. Templeman  
For the Firm

WJL:sm



**DICKINSONLAW**  
Dickinson Mackaman Tyler & Hagen P.C.

**Benjamin D. Bruner**  
(515) 246-4510  
bbruner@dickinsonlaw.com

*Handwritten:* ~~21~~ 30A 52

December 4, 2015

*Via Regular and Certified Mail*

Diane Rauh, City Clerk of Des Moines  
1st Floor City Hall - 400 Robert D. Ray Drive  
Des Moines, Iowa 50309  
VIA EMAIL: cityclerk@dmgov.org

**Re: Appeal of November 19, 2015 Planning and Zoning Commission Denial  
Decision (QuikTrip Corporation - ROW Vacation and Site Plan Approval  
related to 1200 Keosauqua Way, Des Moines, IA)  
Our File No.: 2015-4577**

Dear City Clerk:

At a meeting on November 19, 2015, the Des Moines Planning and Zoning Commission denied a request from QuikTrip Corporation for: 1) the vacation of a right-of-way of a segment of Center Street; and 2) the approval of a Site Plan "QuikTrip No. 0526" for the development of a convenience store at 1200 Keosauqua Way. A copy of the November 19, 2015 meeting agenda is attached hereto for reference and the agenda item noted therein is Item #5B. This letter shall serve as formal written appeal of said Planning and Zoning Commission decision and as further notice of the same and request for a hearing to the Des Moines City Council.

This appeal and request for hearing is timely and properly submitted to the City Clerk in accordance with Des Moines City Code Section 82-210. Any and all questions or concerns can be submitted to the undersigned. Please acknowledge receipt of this notice/appeal in the space provided below. The undersigned would request that the appeal hearing be scheduled on or after January 11, 2016.

Thanks in advance for your time and attention to this matter.

Very truly yours,

Benjamin D. Bruner

BDB/rn  
Enclosures

Cc: Des Moines Community Development Department (Attn: Mike Ludwig – VIA EMAIL)  
MGLudwig@dmgov.org

Document2





## CITY PLAN AND ZONING COMMISSION

\*\*\*\*\*AGENDA\*\*\*\*\*

for the meeting scheduled on  
November 19, 2015 at 6:00 P.M.

IN THE CITY HALL

COUNCIL CHAMBERS AT 400 ROBERT D. RAY DRIVE

39A  
52

### PLAN AND ZONING COMMISSION RULES AND PROCEDURES

1. The Plan and Zoning Commission is generally an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all matters before the Commission, other than Site Plans and Preliminary Subdivision Plats. The Commission's decision to approve or deny a Site Plan or Preliminary Subdivision Plat is the final decision by the City unless the applicant appeals to the City Council. Please contact the City Clerk or Community Development Department staff for details on Council hearings.
2. Applicant will be given 10 minutes to present the request.
3. Proponents and then opponents from the public are then allowed to speak in that order, with each speaker allowed a maximum of 5 minutes.
4. Applicant is then allowed five (5) minutes for a rebuttal.
5. The hearing will then be closed and the Commission will discuss and vote on the issue.
6. All comments are to be germane to the item under consideration and speakers are to maintain a courteous manner.
7. Items listed on the consent portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Commission requests that the item be removed from the consent agenda and considered separately under the public hearing agenda.
8. The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. To better serve you, when possible please notify us at least three business days in advance at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the Council Chambers.
9. Plan and Zoning Commission meetings are broadcast on Mediacom Cable Channel 7.1 or 7.2 for customers with that service.

***Note: There is not a scheduled early, informational session.***

### **6:00 ROLL CALL & APPROVAL OF MINUTES**

### **CONSENT PUBLIC HEARING ITEMS**

1. Request from Beverly Wallace (owner), 1700 Allison Avenue, for vacation of the east/west segment of alley between Allison Avenue and Franklin Avenue from a point 150 feet east of 18<sup>th</sup> Street to the dead end 250 feet east of 18<sup>th</sup> Street. (11-2015-1.25)
2. Request from Robert Etzell II (owner), 205 East 14<sup>th</sup> Street, for vacation of an irregular segment of East 14<sup>th</sup> Street adjoining the west boundary of the subject property. (11-2015-1.26)

39A  
~~211~~  
52

**Item #3 is continued from the November 5, 2015 meeting of the Commission.**

3. Request from T. Michael Price (owner) to rezone property located at 1545 2<sup>nd</sup> Place.
  - A) Determination as to whether the proposed rezoning is in conformance with the existing Des Moines 2020 Community Character Plan.
  - B) Amend the Des Moines 2020 Community Character Plan existing future land use designation from Low Density Residential to General Industrial. (21-2015-4.22)
  - C) Rezone property from "R1-60" One-Family Low-Density Residential District to "M-1" Light Industrial District to allow use of the property for off-street parking use in support of a contractor's business and storage yard. (ZON2015-00198)
4. Request from 219 Grand, LLC (owner) represented by Paul Hayes (officer) for the following:
  - A) Vacation of the air rights over the north 4 feet of East Grand Avenue and the east 4 feet of East 2<sup>nd</sup> Street, to allow for balcony encroachments from floors 2-6. (11-2015-1.27 A)
  - B) Vacation of the subsurface rights within the north 4 feet of East Grand Avenue, to allow for the building footings and foundation. (11-2015-1.27 B)
  - C) Review and approval of a Site Plan "219 East Grand Mixed Use" under design guidelines for multiple-family dwellings and under design guidelines in "C-3B" Districts, on property located at 219 East Grand Avenue, to allow development of a 6-story mixed use building with 19,495 square feet of first floor retail and 98 dwelling units on floors 2-6. (10-2016-7.35)

#### **NON-CONSENT PUBLIC HEARING ITEMS**

**Item #5B is continued from the October 15, 2015 meeting of the Commission.**

5. Request from Quik Trip Corporation (purchaser) represented by Matt Brooks (officer) for the following actions related to property located at 1200 Keosauqua Way:
  - A) Vacation of an irregular segment of Center Street adjoining the southeastern portion of the subject property where it intersects with 12<sup>th</sup> Street. (11-2015-1.24)
  - B) Review and approval of a Site Plan "Quik Trip No. 0526" under design guidelines for gas stations/convenience stores, on property located at 1200 Keosauqua Way and 1201 Center Street, to allow development of a 5,773-square foot convenience store with a pump island canopy for 12 fueling locations. The subject property is owned by Des MoinesArts, Inc. and the Dorothy V. Clark Revocable Trust. (10-2016-7.19)

**Item #6 is continued from the November 5, 2015 meeting of the Commission.**

6. Request from Tonja Boggs (owner) for a 6<sup>th</sup> Amendment to the Somerset PUD Conceptual Plan on property located at 6615 Southeast 3<sup>rd</sup> Street, to allow the single-family dwelling owner to conduct a 24-hour commercial child care business for up to 12 minors as an accessory home occupation. (ZON2015-00199)



7. Request from ANAWIM Housing, Inc. (owner) represented by Russ Frazier (officer) for review and approval of a Site Plan "Legacy I" under design guidelines for multiple-family dwellings, on property located at 1521 6<sup>th</sup> Avenue, to allow development of five (5) 2-story row house residential units.  
(10-2016-7.34)
8. Request from Steven Shade d/b/a Heavenly Hauling (lessee) to rezone property located at 1812 2<sup>nd</sup> Avenue. The subject property is owned by George M. Clayton.
  - A) Determination as to whether the proposed rezoning is in conformance with the existing Des Moines 2020 Community Character Plan.
  - B) Rezone property from "M-1" Light Industrial District to "M-2" Heavy Industrial District to allow outside storage of junk and debris related to a solid waste hauling business.  
(ZON2015-00210)

#### **OTHER ITEMS**

9. Committee and Director's Reports.

39A  
52



November 13<sup>th</sup>, 2015

Matt Heath  
McClure Engineering Company  
1360 NW 121<sup>st</sup> Street  
Clive, IA 50325

RE: 1200 Keosauqua Way, Quik Trip No. 0526

10-16-7.19

Dear Matt:

We have reviewed the second (2<sup>nd</sup>) submittal of the site plan for the Quik Trip No. 0526, located at 1200 Keosauqua Way in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

#### Engineering

1. As previously mentioned, the north radius of the driveway approach on Center St extends beyond the property line. Either shift the approach south or submit documentation of an agreement between the property owners.
2. As previously mentioned, the east radius of the driveway approach on 12<sup>th</sup> St appears to encroach on to an existing open-throat intake structure. The approach dimensions should be revised such that this structure is not disturbed.
3. Call out the type and thickness of proposed pavement on site. The driveway approaches from the edge of the street through the back of sidewalk must be specified to have a minimum thickness of 7 inches.
4. In lieu of curb ramps, the sidewalk elevations should carry through the driveway approaches whenever possible. If drive approach slopes are excessive, transition the sidewalk grades on each side of the approach such that the longitudinal slope does not exceed 5% (1:20) on either side of the approach.
5. A permanent storm sewer easement will be required over the existing public storm sewer traversing the SE corner of the site. The minimum easement width is 30' with not less than 10' on either side. The underground fuel tanks should not be located within this easement. Submit easement exhibits.



6. The sanitary sewer in 12<sup>th</sup> Street flows north to the sanitary manhole in the middle of the 12<sup>th</sup> St and Keo Way intersection. The plans show this sewer flowing to what is actually an abandoned manhole. Please revise accordingly.
  7. Specify the type of HDPE pipe to be used in the underground system. Standard HDPE pipe may not have the proper strength capacity given the cover depth over the proposed underground system.
  8. The maps in the SWMP should be revised to show the off-site drainage areas and the undetained areas. The Intake Areas map should be revised to account for the acquired ROW in the SE corner of the site.
  9. The proposed Dual Vortex Separator system in general is an approved method to treat the water quality volume. However, more information on the system will need to be provided in the SWMP including how the system is sized, the removal percentage for the design storm (1.25", 24-hour storm), and inspection/ maintenance information.
  10. Submit an updated paper and electronic copy of the SWMP. [aprilipp@dmgov.org](mailto:aprilipp@dmgov.org)
  11. As previously mentioned, a Grading Permit is required. The Grading Permit will not be issued until an approved SWPPP is on file with the City (disturbed area > 1 acre). Proof of the NPDES stormwater permit through the IDNR is required.
- 
12. Add the following note as Letter 'G' on Sheet C121: "The Dual Vortex Separator system shall be inspected twice per year minimum and shall be cleaned out when the level of sediment has reached 75% capacity or when an appreciable level of trash has accumulated. Inspection and cleaning shall be conducted per manufacturer's specifications."

## **Traffic**

13. If the intersection of 12<sup>th</sup> Street and Center Street were to be constructed as proposed, staff will need to determine if a southbound right turn lane would be necessary in addition to the pavement that is shown. In addition to the trip generation/distribution that is currently being developed, provide a capacity analysis of the 12<sup>th</sup> Street and Center Street intersection to determine the need for a southbound right turn lane. Analyze existing traffic turning movements/geometry and opening day turning movements/geometry.
14. Show where the crosswalks and opposite side pedestrian ramps are at the 12<sup>th</sup> Street and Center Street intersection to show how the proposed curb ramp ties into the existing pedestrian crossings.
15. Due to the proximity of Center Street and 12<sup>th</sup> Street intersection with the 12<sup>th</sup> Street and Keo Way intersection, the proposed access shown on 12<sup>th</sup> Street will not be

permitted. The stretch of 12<sup>th</sup> Street is congested during peak times of the day and the addition of the access point would introduce safety concerns.

## Planning

16. An \$80 site plan review resubmittal fee is required on 3<sup>rd</sup> submittals of the site plan and must be paid prior to final approval can be granted.
17. The gates on the trash enclosure are not solid metal gates, so waiver of this requirement will need to be provided by the Plan and Zoning Commission (as has been the case with previous Quik Trip stores).
18. Complete the impervious surface sq. ft. information on the cover sheet.
19. The following items are needed to address Design Guidelines for Convenience Stores:
  - Provide one additional pedestrian access point from public sidewalk to the store entrance.
  - A Public Pedestrian Way Easement will be needed for all portions of public sidewalk that encroach onto private property.
  - Show a compliant public sidewalk connection on the north side of the site along Keo Way, connecting with the existing sidewalk on the Git-No-Go property.
  - Provide for **additional** special landscape treatments at intersections, such as perennial plant beds, site walls, native grasses, and decorative sign foundations and housing.
20. The following items are needed to address Design Guidelines for the Downtown Overlay District:
  - Low-impact development techniques should be utilized which implement site water quality control solutions and projects which minimize energy consumption.
  - Building heights should be a minimum of 36 ft. or 3 stories.
  - All buildings should have entrances oriented towards primary streets.
  - All building frontages should have at least 70 percent of the building frontage located within 1 ft. of the property line.
  - No urban edge or decorative fence treatment around the surface parking lot was proposed.
21. Provide additional landscaping to screen the transformer shown on the Keo Way side of the development.
22. Parkway plantings at the rate of 1 street tree per 30 lineal ft. are required to be installed behind the sidewalk. The revised landscaping plan did not achieve this requirement.
23. Per City landscaping standards, 3 ornamental trees count towards 1 overstory tree planting. There are insufficient landscaping quantities shown on the site plan to



meet minimum requirements. Additionally, the Site Plan Ordinance Landscaping Standards only allow up to 30% of a particular type of landscaping (ie. evergreens, shade trees, or shrubs) to be substituted. There are a lot of shrub plantings shown on the plan, but there are too many overstory trees and evergreen trees substituted to meet minimum requirements.

24. This site must comply with the City of Des Moines landscape standards. A landscape plan must be submitted and must meet the following landscape requirements:

- Parking Perimeter minimum planting requirements are one (1) overstory deciduous tree and ten (10) shrubs per 40 lineal feet of paved parking area.
- **Per the Downtown Overlay District design guidelines, an urban edge must be provided along the parking perimeters. This site shall include an ornamental metal fence in addition to the normal parking lot perimeter landscaping requirements. Show the fence detail on the site plan.**
- Parkway Planting requirements are one (1) over story deciduous tree per 30 lineal feet to be located at least 2' behind the sidewalk on the street-facing sides of the property. Ensure that a 6' wide sidewalk clearance width maintained. Please update plans accordingly.

25. A total of 28 trees were shown needed for mitigation purposes, but there are not enough trees installed on the site plan to meet minimum mitigation requirements. Additional tree plantings will be required.

26. The property owner is responsible for coordinating street lighting / utility pole removal/replacement necessary with Mid-American Energy. Black utility / street light poles with "Autobahn LED" light fixtures are required in the downtown area. The property owner is responsible for the cost to "buy down" this pole/fixture to the steel pole / underground rate. The relocation of street lighting will require a plan for the new layout and an evaluation of the lighting levels. In addition, a fixture illustration shall be provided on the site plan (*plan did not adequately call out street light locations or provide proper notes that streets lights will be replaced with the upgraded fixture applicable within the Downtown Overlay District.*)

44. The final copy of the landscape plan will need to be signed and dated by an architect, landscape architect, or certified nurseryman. The final copy of the site plan must have the preparer's certification statement signed and dated.

Please submit **three (3) review copies** of the revised plan satisfying the above listed items. Failure to resubmit such amended plan within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact me by phone @ **283-4975** or by email @ [rlmoffatt@dmgov.org](mailto:rlmoffatt@dmgov.org).

394  
52  
##

Sincerely,

R

W

Ryan Moffatt, AICP  
Senior City Planner