



Date February 22, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM QUIK TRIP CORPORATION FOR AMENDMENT TO THE EASTGATE PLAZA PUD CONCEPTUAL PLAN ON PROPERTY LOCATED AT 1424 EAST EUCLID STREET AND 3629 EAST 14TH STREET

WHEREAS, on April 20, 1998, by Roll Call No. 98-1213, the City Council adopted Ordinance No. 13,599 to rezone real property located in the vicinity of East 14th and Euclid Avenue from "C-4" Shopping Center Commercial District, "M-1" Light Industrial District and "M-2" Heavy Industrial District to a "PUD" Planned Unit Development District classification for redevelopment of the Eastgate Shopping Center; and

WHEREAS, on July 12, 2004, by Roll Call No. 04-1461, the City Council adopted Ordinance No. 14,356 to rezone real property located in the vicinity of 3817 and 3819 E. 14th Street from "M-1" Light Industrial District to "PUD" Planned Unit Development District classification to add said properties to the Eastgate Plaza PUD; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 4, 2016, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (purchaser), represented by Mike Talcott (officer), for an amendment to the Eastgate Plaza PUD Conceptual Plan to allow the real property locally known as 1424 East Euclid Street and 3629 East 14th Street ("Property") to be developed with a 5,733 square foot convenience store with 16 fueling stations, and allowing the sale of alcoholic liquor, wine, beer and tobacco products insofar as sales do not cumulatively exceed 40% of overall sales derived on the site, subject to revisions set forth in the attached communication from the Commission; and

WHEREAS, the Property is legally described as follows:

A PARCEL OF LAND BEING A PART OF PARCEL C, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 12044, PAGE 733, BEING LOCATED IN LOTS 10 & 11 OF BROWN'S LOWLAND PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL C; THENCE ALONG THE SOUTH LINE OF SAID PARCEL C S89°52'06"W, 105.27 FEET; THENCE ALONG THE SAID SOUTH LINE N01°49'18"W, 4.97 FEET; THENCE ALONG SAID SOUTH LINE N86°18'51"W, 88.06 FEET; THENCE ALONG SAID SOUTH LINE N45°00'47"W, 46.72 FEET TO THE WEST LINE OF SAID PARCEL C; THENCE ALONG SAID WEST LINE N03°55'19"W, 96.26 FEET; THENCE ALONG SAID WEST LINE S89°39'04"W, 4.93 FEET; THENCE ALONG SAID WEST LINE N00°03'09"W, 25.04 FEET; THENCE DEPARTING SAID WEST LINE N89°52'06"E, 237.34 FEET TO THE WEST LINE OF PARCEL D, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 15007, PAGE 206; THENCE ALONG SAID WEST LINE S00°11'15"E, 165.00 FEET TO THE POINT OF BEGINNING.

AND

PARCEL D, AS RECORDED IN POLK COUNTY RECORDS AT BOOK 15007, PAGE 206, BEING A PART OF LOTS 10, 12, AND 13 OF BROWNS LOWLAND PLACE, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. DESCRIBED AREA CONTAINS 2.83 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

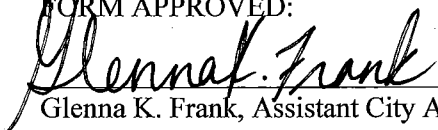
Date February 22, 2016

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed amendment to the Eastgate Plaza PUD Conceptual Plan is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on March 7, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY _____ TO ADOPT.

FORM APPROVED:


 Glenna K. Frank, Assistant City Attorney

(ZON2015-00232)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MOORE				
WESTERGAARD				
TOTAL				

MOTION CARRIED APPROVED

 Mayor

CERTIFICATE

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

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

 City Clerk

Date February 22, 2016

Agenda Item 30

Roll Call # _____



February 16, 2016

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held February 4, 2016, the following action was taken regarding a request from Quik Trip Corporation (purchaser) represented by Mike Talcott (officer) for review and approval of an amendment to the Eastgate PUD Conceptual Plan on property located at 1424 East Euclid Street and 3629 East 14th Street. The subject property is owned by KG Store 534, LLC and Eastgate Plaza, LLC.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

<u>Commission Action:</u>	<u>Yes</u>	<u>Nays</u>	<u>Pass</u>	<u>Absent</u>
Dory Briles	X			
JoAnne Corigliano	X			
David Courard-Hauri	X			
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones				X
Sasha Kamper	X			
William Page	X			
Mike Simonson	X			
CJ Stephens	X			
Greg Wattier	X			

APPROVAL of staff recommendation for approval of the proposed amendment to the Eastgate Plaza PUD with the submitted Conceptual Plan, subject to the following modifications: (ZON2015-00232):

- 1) Provision of a note stating that the site shall be landscaped in accordance with the landscape standards applicable in the "C-2" District.

- 2) Provision of a 3-foot tall decorative wrought iron fence supported by brick columns that match the primary structure, along the south and west perimeter of the area that contains the fuel canopy. The perimeter plantings required by the landscape standards shall be provided between the fence and the south and west property lines.
- 3) Any monument sign shall have a minimum 2-foot tall masonry base to match the structure and shall not exceed 8 feet in height.
- 4) The notes regarding the sale of alcohol shall more clearly convey the applicant's intent to sell alcoholic liquor in addition to wine and beer.
- 5) Provision of a note stating any gas station/convenience store shall only display alcoholic liquor in a locked case or behind a counter accessible only to employees.
- 6) Provision of trip generation and distribution estimates to the City's Traffic & Transportation Division staff for a determination by staff as to whether additional analysis and/or modifications are required.

Staff further recommends that the PUD Conceptual Plan amendment be kept within the overall umbrella of the Eastgate PUD rather than give it the requested unique "Rhino" name. This is based on the analysis that the proposed development would still act as an integrated component of the overall Eastgate commercial site and not as an independently self-contained development.

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the proposed amendment to the Eastgate Plaza PUD with the submitted Conceptual Plan, subject to the following modifications:

- 1) Provision of a note stating that the site shall be landscaped in accordance with the landscape standards applicable in the "C-2" District.
- 2) Provision of a ~~4-foot tall black decorative wrought iron fence~~ 3-foot tall decorative wrought iron fence supported by brick columns that match the primary structure, along the south and west perimeter of the area that contains the fuel canopy. The perimeter plantings required by the landscape standards shall be provided between the fence and the south and west property lines.
- 3) Any monument sign shall have a minimum 2-foot tall masonry base to match the structure and shall not exceed 8 feet in height.
- 4) The notes regarding the sale of alcohol shall more clearly convey the applicant's intent to sell alcoholic liquor in addition to wine and beer.
- 5) Provision of a note stating any gas station/convenience store shall only display alcoholic liquor in a locked case or behind a counter accessible only to employees.
- 6) Provision of trip generation and distribution estimates to the City's Traffic & Transportation Division staff for a determination by staff as to whether additional analysis and/or modifications are required.

Staff further recommends that the PUD Conceptual Plan amendment be kept within the overall umbrella of the Eastgate PUD rather than give it the requested unique "Rhino" name. This is based on the analysis that the proposed development would still act as an integrated component of the overall Eastgate commercial site and not as an independently self-contained development.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

- 1. Purpose of Request:** The proposed amendment to the Eastgate PUD Conceptual Plan would allow the southwestern corner of the PUD to be developed with a 5,733-square foot convenience store with 16 fuelling locations (8 fuel pumping apparatus). The submitted PUD Conceptual Plan demonstrates that the convenience store would be located on the eastern portion of the site and the fueling canopy would be located at the southwest corner of the site, near the intersection of East Euclid Avenue and East 14th Street. The site would be accessed from two driveways from East Euclid Avenue and an internal driveway from the existing strip commercial center to the north. The PUD Conceptual Plan also provides cross-access through the property to the north and east within the overall Eastgate Plaza commercial center.

The PUD Conceptual Plan proposes to allow the sale of alcoholic liquor, wine, beer, and tobacco products, so long as sales from such do not cumulatively exceed 40% of overall sales derived on the site. The provisions on the submitted PUD Conceptual Plan regarding the sale of alcohol must be revised to more clearly convey the applicant's stated intent to sell alcoholic liquor in addition to wine and beer.

Future development of the site must be in accordance with a PUD Development Plan that complies with the requirements established in the PUD Conceptual Plan and with the Design Guidelines for Gas Stations/Convenience Stores in Section 82-214.8 of the Site Plan.

The developer has further requested that the PUD area be approved with a unique name of "Rhino" for the Conceptual Plan. This would essentially carve it out of the Eastgate PUD with a unique name.

- 2. Size of Site:** 123,275 square feet (2.83 acres).
- 3. Existing Zoning (site):** "PUD" Planned Unit Development District.
- 4. Existing Land Use (site):** The property is a vacant pad site with some paved area in disrepair that previously served as off-street parking.
- 5. Adjacent Land Use and Zoning:**
North – "PUD"; Use is vacant land (formerly the Eastgate Plaza commercial center.)

South – “M-1” and “C-2”; Uses are drive-through restaurants (Hardee’s and Taco Bell) and a bank (Community State Bank).

East – “PUD”; Use is vacant land and a drive-through restaurant (B-Bop’s).

West – “PUD”; Use is commercial center.

6. **General Neighborhood/Area Land Uses:** The site is located at the northeast corner of the intersection of East Euclid Avenue and East 14th Street. Both of these streets are major commercial corridors.
7. **Applicable Recognized Neighborhood(s):** The subject property is within the Highland Park Neighborhood. This neighborhood association was notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhoods on January 15, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on January 15, 2016 (20 days prior) and January 25, 2016 (10 days prior to the scheduled hearing) to the Highland Park Neighborhood Association, and to the primary titleholder on file with the Polk County Assessor for each property within 250 feet of the site. All agendas and notices are mailed to the primary contact person designated to the City of Des Moines Neighborhood Development Division by the recognized neighborhood association. The Highland Park Neighborhood Association mailings were sent to Andy Anderson, 4011 North Union Street, Des Moines, IA 50313. A Final Agenda for the meeting was mailed to all the recognized neighborhood associations on January 29, 2016.

The applicant is responsible for conducting a neighborhood meeting inviting representatives of the Highland Park Neighborhood Association and surrounding property owners within 250 feet. The applicant will provide a summary of the meeting at the public hearing.

8. **Relevant Zoning History:** The subject property was rezoned to “PUD” on April 20, 1998, at which time a general PUD Conceptual Plan was adopted. On August 8, 2005, the City Council approved a PUD Conceptual Plan amendment for a 7,324-square foot retail center on the western portion of the subject property which was never constructed. On September 9, 2013, the PUD Conceptual Plan was amended to allow development of a 4,992-square foot Kum & Go Convenience Store with 20 fueling locations on the eastern portion of this location. However, that also was never developed.
9. **2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented Community Commercial.
10. **Applicable Regulations:** : In consideration of the criteria set forth in Chapter 18B of the Iowa Code, the Commission reviews all proposals to amend PUD Conceptual Plans within the City of Des Moines in accordance with Sec. 134-700 of the Zoning Ordinance. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code. The Commission may recommend that certain conditions be applied to the subject property if the property owner agrees in writing, in addition to the existing regulations. The recommendation of

the Commission will be forwarded to the City Council.

The application, accompanying evidence and Conceptual Plan shall be considered by the Plan and Zoning commission at a public hearing. The Commission shall review the conformity of the proposed development with the standards of this division and with recognized principles of civic design, land use planning, and landscape architecture. At the conclusion of the hearing, the Commission may vote to recommend either approval or disapproval of the Conceptual Plan and request for rezoning as submitted, or to recommend that the developer amend the plan or request to preserve the intent and purpose of this chapter to promote public health, safety, morals and general welfare. The recommendations of the commission shall be referred to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Drainage/Grading:** The applicant must comply with the City's storm water management, soil erosion protection and grading requirements as approved by the City's Permit and Development Center's engineering staff during the PUD Development Plan (Site Plan) review. In this instance the policy would require drainage between the 5-year and 100-year storm event be piped to public storm sewer directly as it will be handled by a regional stormwater basin to the north.
- 2. Utilities:** The subject property has access to necessary utilities. There are both public storm and sanitary sewer crossing the site with easements. These affect the placement of the building and require that it be shifted closer to East Euclid Avenue and necessitate the fuel pumps being located to the west of the building.
- 3. Traffic/Parking:** The site would be accessed from two driveways from East Euclid Avenue and an internal driveway from the existing strip commercial center to the north. The eastern drive entrance would align with an existing median cut in East Euclid Avenue. The PUD Conceptual Plan also provides cross-access through the property to the north and east within the overall Eastgate Plaza commercial center.

The City's standard off-street parking requirement for a retail use with fuel sales is 1 parking space per 300 square feet of building area. This would require a minimum of 20 spaces for a 5,733-square foot building. The submitted Conceptual Plan includes 84 spaces.

- 4. Design Guidelines for Gas Stations/Convenience Stores:** The Conceptual Plan includes a note that states the proposed convenience store project will be developed in accordance with the City's Gas Station/Convenience Store Site Plan Design Guidelines. The following are the guidelines as listed in Chapter 82 of the City Code (Section 82-214.8) with staff comments as appropriate in italics.

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;
- (iv) Circulation systems and parking;
- (v) Service bays;
- (vi) Ancillary uses such as car washes, drive through uses, ATMs and telephones.

- B. Maximum size of site should not exceed two (2) acres without a rezoning to a PUD Planned Unit Development pursuant to Chapter 134, Division 13 of the Municipal Code of the City of Des Moines and site review under a Conceptual Plan approved by the Plan and Zoning Commission and City Council.
- C. Minimum open space should be 20% of the site or 1,000 square feet per vehicle fueling location, whichever is greater.

The site measures 2.83 acres and would contain 16 fueling locations. A minimum of 16,000 square feet of open space (1,000 square feet per fueling location) is required to meet this guideline. The submitted Conceptual Plan shows that the site would have at least 33,927 square feet of open space, which exceeds this guideline.

- 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 Conceptual Plan proposes multiple access drives that would be shared with existing and future uses to the north and east. Furthermore, the proposed building and canopies are setback a minimum of 25 feet from the public street system. The Conceptual Plan shows the canopy at least 50 feet from both East Euclid Avenue and East 14th Street.

- 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;
 - (iv) Lighting should be non-invasive to adjoining residential use.

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

The submitted Conceptual Plan shows a masonry refuse collection enclosure at the northeast corner of the building with steel gates with a mesh covering.

There is an existing adjoining public sidewalk in both East 14th Street and East Euclid Avenue. An internal sidewalk link provides a pedestrian route to the building from East Euclid Avenue.

Architecture

- A. The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.
- B. 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.
- C. 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.
- D. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.
- E. 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.
- F. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.
- G. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.
- H. 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 would be constructed of masonry with varying patterns to create visual interest. The building would have canopies over all entrances and a feature above the primary frontage of the. The building would have 360 degree architecture,

with entrances on three of the four sides. The primary façade is oriented toward East Euclid Avenue. Staff believes that the proposed design meets these guidelines.

I. 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 canopy would be wrapped in masonry that matches 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 proposed canopy for fuelling would be 15 feet above grade at its lowest point, with an overall height of 18.5 feet at its lowest point. Given a slight change in grade, the canopy may have a maximum height of 23 feet. Staff believes that the proposed height is appropriate given the unique circumstances of the site grades.

- J. 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.

The proposed PUD Conceptual Plan includes a note that addresses this guideline and provides an area along the south side of the building for display of seasonal items.

Landscape Design

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

The Conceptual Plan shows a mix of trees, evergreens and shrubs throughout the site. Staff recommends that note be added into the PUD Standards that all landscaping will

comply with minimums as would be required in a "C-2" District.

Given the prominent location of the gas canopy near the intersection of East Euclid Avenue and East 14th Street, staff recommends that a 4-foot tall black decorative wrought iron fence be provided along the south and west landscaped perimeter of the area that contains the fuel canopy. The perimeter plantings required by the landscape standards should be provided between the fence and the south and west property lines.

The submitted Conceptual Plan includes one monument style sign along East Euclid Avenue frontage and one monument style sign along East 14th Street frontage. Staff recommends a note be added to require any monument sign to have a minimum 2-foot tall masonry base to match the structure and shall not exceed 8 feet in height.

The Conceptual Plan demonstrates that building mounted signage would generally comply with the "C-2" District regulations, with up to three (3) signs mounted on the front façade of the structure. The elevations demonstrate that a sign would be located on each fascia of the canopy structure.

Lighting

- A. Lighting of gas stations and convenience stores should enhance safety and provide light levels appropriate to the visual task with minimal glare, light trespass and excess site brightness. Lighting should not be a nuisance or a hazard.
- B. Direct light trespass beyond property lines is prohibited. The maximum horizontal illuminance at grade and the maximum vertical illuminance at five feet above grade measured at the property line should not exceed Illuminating Engineering Society of North America (IESNA) recommended practices for light trespass. (0.5 footcandles for residential, 2.0 footcandles for commercial). The Site Plan must contain illuminance models showing light levels throughout the site.
- C. Light fixtures mounted under canopies should be completely recessed into the canopy with flat lenses that are translucent and completely flush with the bottom surface (ceiling) of the canopy. Generally, lights shall not be mounted on the top or sides (fascias) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascias) of the canopy may be permitted.
- D. Parking Lot and Site Lighting:
 - (i) All luminaries should be of full cut-off design, aimed downward and away from the property line;
 - (ii) Maximum pole heights should not exceed 20'.
- F. Building-Mounted Lighting:
 - (i) All luminaries should be a full cut-off design and aimed downward.
 - (ii) All luminaries should be recessed or shielded so the light source is not directly visible from the property line.

The Conceptual Plan includes a note that states "all site lighting will be in compliance with the lighting standards of City Code Section 82-214.8 to the satisfaction of the Community Development Director." Lighting would be reviewed in detail during the PUD Development Plan phase.

- 5. Liquor Sales Use:** The appellant is proposing to sell alcoholic liquor, wine, beer, and tobacco products within the convenience store. Because the property is zoned "PUD" District, it is not required to comply with City Code Section 134-954 that otherwise regulates the sale of alcohol. However, as a baseline for consideration of alcohol sales, the Commission should apply the standards normally necessary for a Conditional Use Permit for a gas station/convenience store in a "C-2" District.

In accordance with City Code Section 134-954(b), any use of a premise for the sale of alcoholic liquor, wine and beer should be granted only where the business, when operated in conformance with such reasonable conditions, satisfies the following criteria:

- Any gas station convenience store selling alcoholic liquor, wine, and beer shall be at least 500 feet from any church, school, public park or licensed child care facility, and at least ¼-mile from any other limited food sales establishment, limited retail sales establishment, gas station/convenience store, liquor store and tobacco store engaged in the sale of alcoholic liquor.

The subject property satisfies these separation distance requirements.

- The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety and general welfare of persons residing in the adjoining or surrounding residential area.

The subject property is located along major traffic corridors and is separated from any residential use by major thoroughfares. Staff believes that the sale of liquor, wine, and beer at this location would adequately safeguard the health, safety and general welfare of persons residing in the area so long as it is accessory to a gas station/convenience store and comprises no more than 40% of gross revenues.

- The business is sufficiently separated from the adjoining residential area by distance, landscaping, walls or structures to prevent any noise, vibration or light generated by the business from having a significant detrimental impact upon the adjoining residential uses.

Staff believes that this site is sufficiently separated from any residential uses by distance and major traffic thoroughfares.

- The business will not unduly increase congestion on the streets in the adjoining residential area.

The subject property fronts the major corridors East Euclid Avenue and nearby East 14th Street. The proposed business would have minimal impact on the traffic pattern and would not likely increase congestion in the area.

- The operation of the business will not constitute a nuisance.

Staff believes that the sale of liquor, wine, and beer at this location as an accessory use to a convenience store with fuel sales would not constitute a nuisance. The proposed PUD Conceptual Plan includes a statement that the PUD Conceptual Plan shall be subject to a legislative amendment if the Zoning Enforcement Officer determines that the operation of the business becomes a nuisance.

The PUD Conceptual Plan should also reflect City Code Section 134-954(c) in its entirety, which further regulates any use of a premise for the sale of alcoholic liquor, wine and beer, as follows:

- Any parking area provided for the use of customers of the business shall be illuminated at an intensity of at least one footcandle of light on the parking surface at all times. The entire site shall be landscaped and illuminated so as to minimize hiding places for possible criminal activity.
- The business shall comply with article IV of chapter 42 of this Code pertaining to noise control. The business shall have no outside speakers or amplified sound except when used in compliance with a type E sound permit.
- Any such business must comply with the following requirements:
 - Every limited food sales establishment, limited retail sales establishment and gas station/convenience store shall display alcoholic liquor only in a locked case or behind a counter accessible only to employees. Any other business selling alcoholic liquor for off premises consumption shall either: i) display alcoholic liquor only in a locked case or behind a counter accessible only to employees; ii) employ an electronic security cap or tag system on all containers of alcoholic liquor on display; or iii) have more than one employee on duty at all times the business is open to the public.
 - Conspicuously post 24-hour contact information for a manager or owner of the business near the main public entrance.
 - Institute a strict no loitering policy, conspicuously post one or more "No Loitering" signs, and cooperate with police in addressing loitering on the premises.
 - Not dispense alcoholic beverages from a drive-through window.
- Litter and trash receptacles shall be located at convenient locations inside and outside the premises, and operators of such business shall remove all trash and debris from the premises and adjoining public areas on a daily basis.
- The use is subject to amendment or revocation if the operation of the business becomes a nuisance or exhibits a pattern of violating the conditions set forth in the PUD Conceptual Plan.
- If the zoning enforcement officer determines at any time that the operation of such a business exhibits a pattern of violating the conditions set forth in the PUD Conceptual Plan, the zoning enforcement officer may apply to the Plan and Zoning Commission and City Council for legislative amendment to the PUD Conceptual Plan to revise the use allowances.

The proposed PUD Conceptual Plan currently includes all of these, except the

following statement that should be added: The gas station/convenience store shall display alcoholic liquor only in a locked display case or behind a counter accessible only to employees.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and revised staff recommendation. Staff uses standard language to reference 4 foot tall, but the applicant proposed a 3 foot tall fence with the masonry pillars that addresses what staff is looking for. The other revision regarding the need for a traffic study was a referenced in error. Staff has gone over these with the applicant.

Sasha Kamper asked the motivation for renaming Rhino its own PUD and what is the motivation to keep it part of the broader PUD.

Jason Van Essen stated the existing PUD is larger and references the whole development for ongoing record keeping purposes. This is really a subset of a larger development that will continue to occur in the area.

Andrew Smith 5725 Foxridge Drive, Mission, Kansas is a real estate project manager with Quik Trip. They are proposing to build their new generation 3 model store on the NE corner of 14th and Euclid which is currently vacant. It is approximately 6000 square feet in addition to a double stack eight fuel pump canopy. They are going to have to access points on Euclid and one on 14th Street. The benefit to having a generation 3 versus a generation 2 store is an updated security system as well as the kitchen. This allows them to increase the amount of products that they offer their customers as well as employing more people. In order to address the modification that staff has recommended they are agreeable with the landscaping requirements, the wrought iron fence they propose has the brick columns which would match the building and also have shrubs around the base of it. They will adjust the monument sign rendering and do the brick base. They do intend to sell liquor and it is in a locked cabinet behind the counter which is only accessible to employees. Additionally, they do take responsible retailing very seriously.

Greg Wattier asked are they in agreement with staff recommendation.

Andrew Smith stated yes they are in agreement with staff recommendation. They have also had their traffic engineers produce the trip generation numbers which they will provide to staff tomorrow.

CHAIRPERSON OPENED THE PUBLIC HEARING

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

CHAIRPERSON CLOSED THE PUBLIC HEARING

Will Page commented he believes that an 8 feet monument sign is a distracting feature. Especially, in a heavily densely built up area. He does not have a concern about the 8 feet

monument in this particular site because it is not a very densely built up area. He believes that the Commission should be cautious.

COMMISSION ACTION:

Greg Wattier moved staff recommendation and Sasha Kamper seconded for approval of the proposed amendment to the Eastgate Plaza PUD with the submitted Conceptual Plan, subject to the following modifications:

- 1) Provision of a note stating that the site shall be landscaped in accordance with the landscape standards applicable in the "C-2" District.
- 2) Provision of a 3-foot tall decorative wrought iron fence supported by brick columns that match the primary structure, along the south and west perimeter of the area that contains the fuel canopy. The perimeter plantings required by the landscape standards shall be provided between the fence and the south and west property lines.
- 3) Any monument sign shall have a minimum 2-foot tall masonry base to match the structure and shall not exceed 8 feet in height.
- 4) The notes regarding the sale of alcohol shall more clearly convey the applicant's intent to sell alcoholic liquor in addition to wine and beer.
- 5) Provision of a note stating any gas station/convenience store shall only display alcoholic liquor in a locked case or behind a counter accessible only to employees.
- 6) Provision of trip generation and distribution estimates to the City's Traffic & Transportation Division staff for a determination by staff as to whether additional analysis and/or modifications are required.

Staff further recommends that the PUD Conceptual Plan amendment be kept within the overall umbrella of the Eastgate PUD rather than give it the requested unique "Rhino" name. This is based on the analysis that the proposed development would still act as an integrated component of the overall Eastgate commercial site and not as an independently self-contained development.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

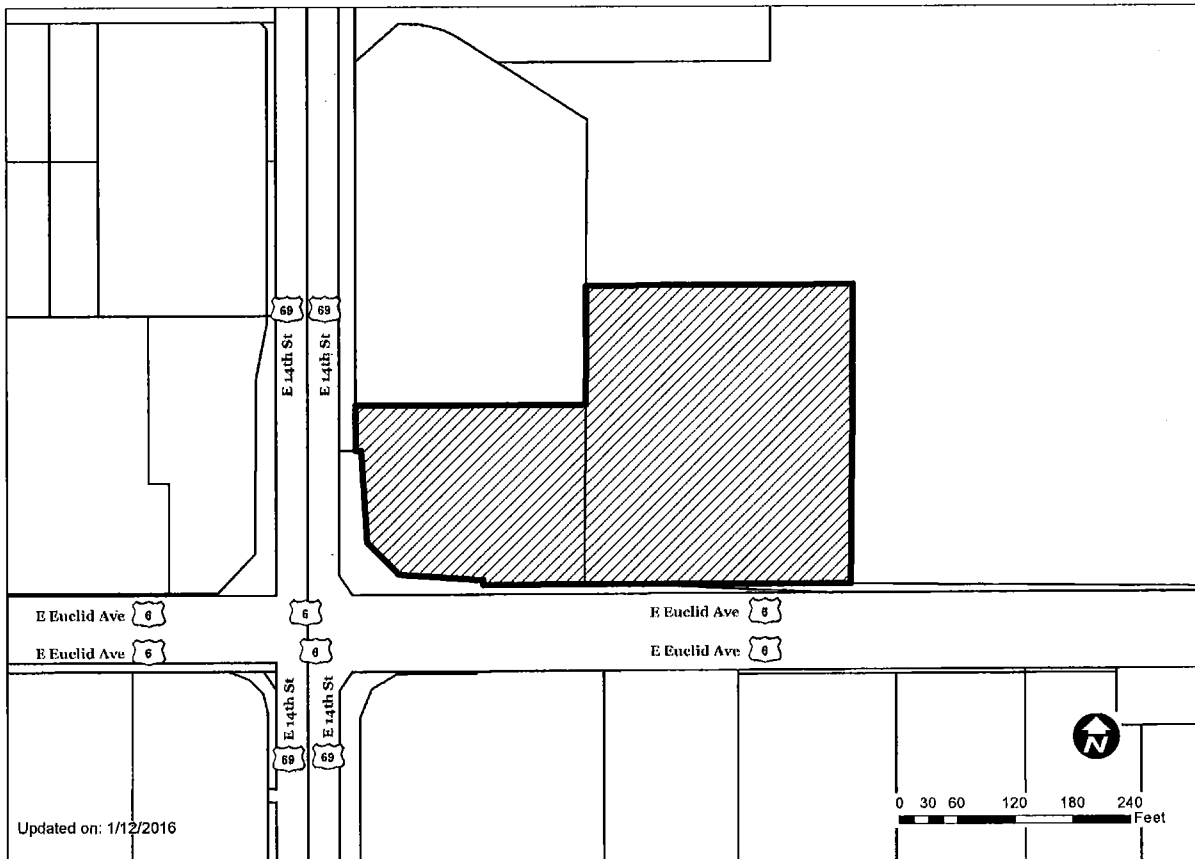
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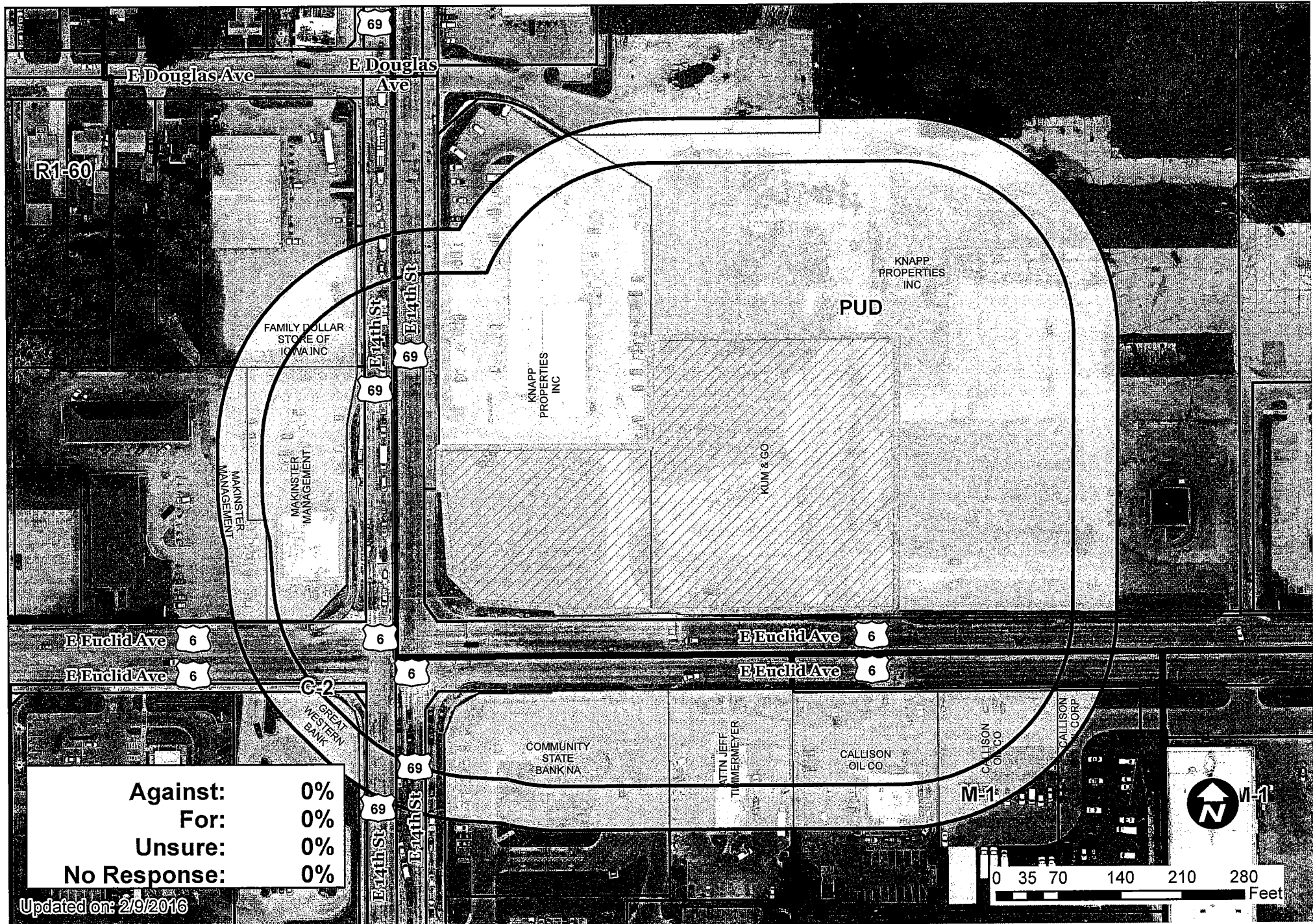
Quik Trip Corporation (purchaser) represented by Mike Talcott (officer) for property located at 1424 East Euclid Street and 3629 East 14th Street. The subject property is owned by KG Store 534, LLC and Eastgate Plaza, LLC.		File # ZON2015-00232		
Description of Action	Approval of a request for an amendment to the Eastgate PUD Conceptual Plan, to allow development of a 5,733-square foot convenience store with 16 fuelling locations. This includes renaming the area as a separate PUD to be known as "Rhino" PUD. It also includes allowing the sale of alcoholic liquor in addition to beer and wine as a permitted use, subject to modifications.			
2020 Community Character Plan	Current: Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	2025-2034 Widen US 69/E. 14 th Street to 5 lanes from Aurora Avenue to Euclid Ave. 2014-2017 TIP Wide East Euclid Avenue to 5 lanes from E. 14 th Street to Hubbell Avenue.			
Current Zoning District	"PUD" Planned Unit Development, "VDL" Vehicle Display Lot Overlay District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area				
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Quik Trip Corporation, 1424 East Euclid Street and 3629 East 14th Street

ZON2015-00232



1 inch = 118 feet



Against:	0%
For:	0%
Unsure:	0%
No Response:	0%

Updated on: 2/9/2016

