



Date May 9, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED AT 4021 FLEUR DRIVE FROM  
“C-2” GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT TO “PUD”  
PLANNED UNIT DEVELOPMENT DISTRICT**

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0678, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 7, 2016, its members voted 9-2-1 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (purchaser), represented by Mike Talcott (officer), to rezone real property located at 4021 Fleur Drive (“Property”) from “C-2” General Retail and Highway-Oriented Commercial District to “PUD” Planned Unit Development District to allow development of a 5,858-square foot convenience store and pump island canopy with 16 fueling locations, and to approve the proposed PUD Conceptual Plan for “Quik Trip No. 0559R”, subject to conditions set forth in the communication from the Commission; and

**WHEREAS**, the Property is legally described as follows:

THAT PART OF THE NW ¼ OF THE SE ¼ OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 33 FEET SOUTH AND 50 FEET EAST OF THE CENTER OF SAID SECTION; THENCE EAST ALONG THE SOUTH LINE OF WATROUS AVENUE, 490 FEET; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SOUTHWEST 21ST STREET, 235 FEET; THENCE WEST 490 FEET; THENCE NORTH TO BEGINNING; EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 33 FEET SOUTH AND 50 FEET EAST OF THE CENTER OF SAID SECTION; THENCE SOUTH 120 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF FLEUR DRIVE; THENCE EAST 2.0 FEET; THENCE NORTH 110.0 FEET TO A POINT 2.0 FEET EAST OF SAID RIGHT-OF-WAY LINE; THENCE NORTHEASTERLY TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WATROUS AVENUE WHICH IS 60 FEET EAST OF THE CENTER OF SAID SECTION; THENCE WEST ALONG SAID RIGHT OF WAY LINE 10 FEET TO POINT OF BEGINNING.

**WHEREAS**, on April 25, 2016, by Roll Call No. 16-0678, it was duly resolved by the City Council that the application from Quik Trip Corporation to rezone the Property and approve the proposed PUD Conceptual Plan for “Quik Trip No. 0559R”, be set down for hearing on May 9, 2016 at 5:00 P.M., in the Council Chamber at City Hall; and

**WHEREAS**, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance and approval of the PUD Conceptual Plan; and

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

**WHEREAS**, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 4021 Fleur Drive and legally described above.



# Roll Call Number

Agenda Item Number

56

Date May 9, 2016

-2-

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed PUD Conceptual Plan for "Quik Trip No. 0559R", with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The PUD Conceptual Plan "Quik Trip No. 0559R", as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 16-0678, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY TO ADOPT.

FORM APPROVED:

*Glenna K. Frank*  
 Glenna K. Frank, Assistant City Attorney

(ZON2016-00047)

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

MOTION CARRIED

APPROVED

Mayor

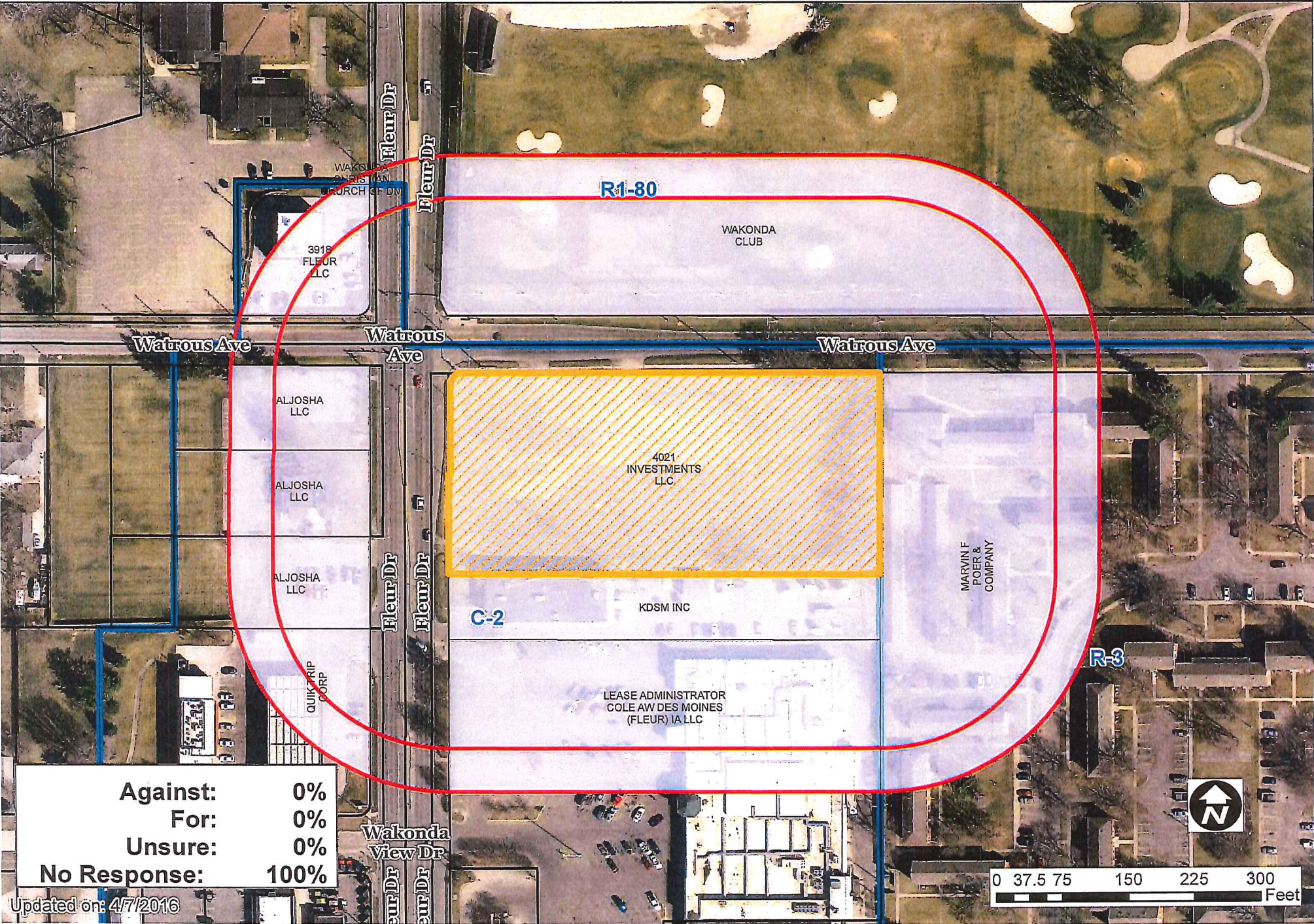
## CERTIFICATE

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







REVISED



May 2, 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 April 7, 2016, the following action was taken regarding a request from Quik Trip Corporation (purchaser) represented by Mike Talcott (officer) to rezone property located at 4021 Fleur Drive. The subject property is owned by 4021 Investments, LLC.

### COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-2-1 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
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 Part A) to find that the proposed rezoning is in conformance with the existing Des Moines' 2020 Community Character Plan and proposed PlanDSM, **APPROVAL** of Part B to rezone the subject property from "C-2" General Retail and Highway-Oriented Commercial District TO "PUD" Planned Unit Development and; **APPROVAL** of Part C) the proposed PUD Conceptual Plan subject to the following conditions:  
(ZON2016-00047)



1. Addition of a note that any additional traffic modelling requested by City Traffic Engineer shall be provided as part of any PUD Development Plan.
2. Reduction of the canopy height maximum from 23 feet to 21 feet.
3. Revision of the permitted uses to reflect the intent to also sell alcoholic liquor in addition to beer and wine.
4. Addition of a note indicating that existing overhead electrical utility lines will be placed underground as part of any PUD Development Plan.
5. Provision of dedicated pedestrian routes from Fleur Drive (at the south edge of the site) and Watrous Avenue (east of the eastern drive entrance) sidewalks to the building to the satisfaction of the Planning Administrator.
6. Addition of a note that states "landscaping shall be provided in accordance with the "C-2" District Standards or exceeded as illustrated on the Conceptual Plan."
7. Addition of a conceptual landscape feature at the intersection on the Conceptual Plan.

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

Part A) Staff recommends that the Commission find that the proposed rezoning is in conformance with the existing Des Moines' 2020 Community Character Plan and proposed PlanDSM.

Part B) Staff recommends approval of rezoning the subject property from "C-2" General Retail and Highway-Oriented Commercial District TO "PUD" Planned Unit Development.

Part C) Staff recommends approval of the proposed PUD Conceptual Plan subject to the following conditions:

1. Addition of a note that any additional traffic modelling requested by City Traffic Engineer shall be provided as part of any PUD Development Plan.
2. Reduction of the canopy height maximum from 23 feet to 21 feet.
3. Revision of the permitted uses to reflect the intent to also sell alcoholic liquor in addition to beer and wine.
4. Addition of a note indicating that existing overhead electrical utility lines will be placed underground as part of any PUD Development Plan.
5. Provision of dedicated pedestrian routes from Fleur Drive (at the south edge of the site) and Watrous Avenue (east of the eastern drive entrance) sidewalks to the building to the satisfaction of the Planning Administrator.



6. Addition of a note that states “landscaping shall be provided in accordance with the “C-2” District Standards or exceeded as illustrated on the Conceptual Plan.”
7. Addition of a conceptual landscape feature at the intersection on the Conceptual Plan.

#### Written Responses

- 1 In Favor
- 0 In Opposition

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

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

1. **Purpose of Request:** The proposed PUD Conceptual Plan would allow the construction of a “QT” convenience store with 16 fueling locations. The proposed configuration would place the pump canopy with a “4 x 2” array of eight pumps toward Fleur Drive. The proposed 5,858-square foot store would be to the east of the canopy with the front oriented toward Watrous Avenue. There would be customer entrances on the north, east, and west sides of the building. The eastern portion of the site is proposed for surface storm water detention.
2. **Size of Site:** 2.64 acres or 114,997 square feet.
3. **Existing Zoning (site):** “C-2” General Retail and Highway-Oriented Commercial District and “FSO” Freestanding Sign Overlay District.
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**
  - North* – “R1-80”; Use is the Wakonda Club (golf practice course and driving range).
  - South* – “C-2”; Uses are KDSM broadcast station and Wakonda Shopping Center.
  - East* – “R-3”; Uses are Wakonda Village Apartments.
  - West* – Limited “C-2” & “C-2”; Uses are Jimmy John’s drive through restaurant, Skip’s restaurant, Quik Trip convenience store/gas station.
6. **General Neighborhood/Area Land Uses:** The subject site is located on the Fleur Drive commercial corridor between the Des Moines International Airport and Downtown. There are residential neighborhoods to the east and west of the corridor.
7. **Applicable Recognized Neighborhood(s):** The subject property is located in the Watrous South Neighborhood and within 250 feet of the Grays Lake and Southwestern Hills Neighborhoods. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on March 22, 2016 and by mailing of the Final Agenda on April 1, 2016. Additionally, separate notifications of the hearing for this specific item were mailed on March 18,



2016 (20 days prior to the hearing) and on March 21, 2016 (10 days prior to the hearing) to the neighborhood associations 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(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division at the time of the mailing. The Watrous South Neighborhood Association notices were mailed to James Spiller, PO Box 35845, Des Moines, IA 50315. The Southwestern Hills Neighborhood Association notices were mailed to George Davis, 3124 SW 29<sup>th</sup> Street, Des Moines, IA 50321. The Grays Lake Neighborhood notices were mailed to Evan Shaw, 2615 Druid Hill Drive, Des Moines, IA 50315.

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

**9. 2020 Community Character Land Use Plan Designation:** Commercial: Auto-Oriented, Community Commercial. The proposed PlanDSM future land use designation is Community Mixed Use within a Community Node.

**10. Applicable Regulations:** The Commission reviews all proposals to amend zoning regulations or zoning district boundaries within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in §414.3 of the Iowa Code, and taking into consideration the criteria set forth in Chapter 18B 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:** All grading is subject to an approved grading permit and soil erosion control plan. The applicant is required to demonstrate compliance with the City's Stormwater Management requirements to the satisfaction of the City's Permit and Development Center during the review of the site plan. Because the site would be over and acre in area, water quality detention is required as is a Storm Water Pollution Protection Plan approved by the Iowa DNR. Development of the site must comply with the Tree Preservation and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.



A stormwater detention basin is shown on the Conceptual Plan in the eastern portion of the site. There is public storm sewer available in Watrous Avenue near the intersection of Fleur Drive. The Conceptual Plan proposes connecting the basin outlet in this location.

2. **Utilities:** There is not public sanitary sewer along the street frontages of the subject property. Sanitary sewer would be required to be extended from in front of the property to the south along Fleur Drive.

There are overhead electrical lines along the Watrous Avenue frontage. Staff recommends that these be placed underground as part of any PUD Development Plan as a requirement of the Conceptual Plan.

3. **Street System:** A traffic study was prepared by the developer. The City Traffic and Transportation Division has reviewed the report and has the following comments:
  - a) The eastbound and westbound approaches to the Fleur Drive and Watrous Avenue intersection are currently experiencing significant delay and the westbound queuing during peak hours is currently spilling back or blocking the westbound left turn lane. This was shown in the report as well as with visual observation by staff with the traffic camera at the intersection. The traffic added to the westbound approach by the proposed development would increase this delay/queuing during the peak hours.
  - b) The consultant's report suggested that signal timing changes could help improve the situation. Currently, there is one eastbound left/through/right lane and there is one westbound right/through lane and one westbound left turn lane. City Traffic Engineering would request that the developer analyze the opening day and future scenario situation with westbound protected/permitted left turn phasing to determine if the westbound queuing can be mitigated with a change in left turn phasing or if the City would need to consider lengthening the westbound left turn lane to capture the proposed queuing. The City requests that the developer add to their model a short eastbound left turn lane to determine if that modification would alleviate the eastbound vehicle delay (this would not be a part of the required improvements for the development, but City Traffic Engineering would be interested in how this would help the overall intersection).
  - c) Other than the queuing concerns as described above, City Traffic Engineering is in support the location of the proposed entrances based on the function described in the report and adequate spacing from the intersection.
4. **Parking:** The City's standard off-street parking requirement for retail uses with fuel sales is 1 parking space per 300 square feet. This would require a minimum of 20 spaces for a 5,858-square foot building. A total of 71 parking spaces are conceptually proposed.
5. **Design Guidelines:** 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.

*Staff believe the proposal meets this guideline. The site has narrow frontage towards Fleur Drive and has residential development to the east. This limits the possible number of site configurations that could be considered. The proposed pump island and store orientation to Watrous Avenue is the best solution given the proto-type and size of the proposed convenience store.*

- 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 proposal complies with this guidelines as the site measures 2.64 acres and the applicant is proposing to rezone the property to a "PUD" District.*

- 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 105,850 square feet and would contain 16 fueling locations. A minimum of 22,999 square feet of open space is required to meet this guideline. The submitted Conceptual Plan shows that the site would have at least 46,395 square feet (40.3% of site) of open space. This meets and 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.

*Staff believes that dedicated pedestrian routes should be shown and provided from the Fleur Drive (at the south edge of the site) and Watrous Avenue (east of the eastern drive entrance) sidewalks to the building.*

*The site is separated from other commercial properties by streets. Therefore, shared driveways and circulation points are not necessary.*

- 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.

*The proposed trash and can crusher enclosure would be located at the southeast rear of the site and in the least visible portion of the site.*

- 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.

*Pedestrian routes to the building are not identified on the Conceptual Plan. Staff believes that dedicated pedestrian routes should be shown and provided from the Fleur Drive (at the south edge of the site) and Watrous Avenue (east of the eastern drive entrance) sidewalks to the building.*

### 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 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 proposed building design includes wall plane variation and parapet wall height on the street facing facades.*

- 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 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. In this location the site is relatively flat. Therefore staff believes these maximum heights can be stepped down a couple feet and still provide enough flexibility for 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 Conceptual Plan includes a note that addresses this guideline.*

## 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 and shrubs throughout the site. Landscaping would be fully evaluated at the site plan stage. Staff believes that a note should be added that landscaping shall be provided in accordance with the City's "C-2" District Landscaping Standards or exceeded as illustrated on the Conceptual Plan. Additionally the Conceptual Plan should show a landscape feature at the intersection.*

*The Conceptual Plan includes a note that states "the required landscaping shall be maintained for the life of the certificate of occupancy or certificate of zoning compliance."*

*The submitted Conceptual Plan includes a monument style sign. The sign would be 8 feet tall by 11 feet, 1 inch wide with a 3-foot 2-inch tall brick base. The City has adopted the "FSO" Freestanding Sign Overlay District and amended the monument sign design requirements. Below are the relevant portions of Section 134-1276 and Section 134-3 of the Zoning Ordinance.*

### ***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.*

*Staff believes the proposed monument signs would comply with these standards including the provision of a solid opaque base, constructed of brick, stone, concrete block or other durable material that is no less than 2 feet in height. The base should extend from grade to the bottom of the sign face across the entire width of the sign face.*

### **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" and that "lighting shall consist of low-glare cut off type fixtures to reduce the glare of light pollution on surrounding area." Lighting would be reviewed in detail during the site plan phase.*

- 6. **Liquor Sales Use:** The appellant is proposing to sell liquor, wine, beer, and tobacco products as less than 40% of the total sales within the convenience store. The draft Conceptual Plan only indicated beer, wine, and tobacco, but staff has confirmed they wish to retain the liquor sales which is currently at their store across Fleur Drive to the southwest. 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 liquor, wine, and beer shall be at least 500 feet from any church, school, public park or licensed child care facility.

*The property is 244 feet from the Wakonda Christian Church at 3839 Fleur Drive. Staff believes the proposal is appropriate as the site is over 2 acres in size creating its own context and is separated from this property by a major street that carries a significant level of traffic. The existing Quik Trip was granted a Conditional Use for liquor sales at a time when the separation was 150 feet.*

- 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 residential uses by distance. 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. The proposed detention basin would keep the development along the corridor away from residential apartments to the east.*

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

*The subject property fronts Fleur Drive and Watrous Avenue. The proposed business would have minimal impact on the traffic pattern and would not increase congestion in the area so long as the site is developed in conformance with the recommendations of the City Traffic Engineer.*

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

*Staff believes that the sale of 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 notes.*

## **SUMMARY OF DISCUSSION**

Jason Van Essen presented the staff report and recommendation.

Tim Fitzgerald asked if the Quik Trip across the street has a liquor license.

Jason Van Essen stated yes.

Ben Bruner Dickinson Law Firm representing Quik Trip stated the applicant agrees with staff recommendation as well as all of the conditions. He stated that Mike Talcott (officer) of Quik Trip just returned from the Southwestern Hills Neighborhood meeting and he stated they were in favor of their request and they have two other meetings lined up for the next couple of weeks.

Jacqueline Easley asked if the neighborhood association took a vote at the meeting.

Mike Talcott stated they did not take a vote at the meeting.

Jacqueline Easley stated the Southwestern Hills Neighborhood Association did submit a response card so the Commission is aware of their posture.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

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

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

JoAnne Corigliano commented that the project is fine and the neighbors do not mind. However, she cannot vote for another gas station. She believes there are too many gas stations in this area.



**COMMISSION ACTION:**

Jann Freed moved staff recommendation Part A) that the Commission find that the proposed rezoning is in conformance with the existing Des Moines' 2020 Community Character Plan and proposed PlanDSM, Part B) to rezone the subject property from "C-2" General Retail and Highway-Oriented Commercial District TO "PUD" Planned Unit Development and approval of Part C) the proposed PUD Conceptual Plan subject to the following conditions:

1. Addition of a note that any additional traffic modelling requested by City Traffic Engineer shall be provided as part of any PUD Development Plan.
2. Reduction of the canopy height maximum from 23 feet to 21 feet.
3. Revision of the permitted uses to reflect the intent to also sell alcoholic liquor in addition to beer and wine.
4. Addition of a note indicating that existing overhead electrical utility lines will be placed underground as part of any PUD Development Plan.
5. Provision of dedicated pedestrian routes from Fleur Drive (at the south edge of the site) and Watrous Avenue (east of the eastern drive entrance) sidewalks to the building to the satisfaction of the Planning Administrator.
6. Addition of a note that states "landscaping shall be provided in accordance with the "C-2" District Standards or exceeded as illustrated on the Conceptual Plan."
7. Addition of a conceptual landscape feature at the intersection on the Conceptual Plan.

Motion carried 9-2-1 (JoAnne Corigliano and David Courard-Hauri voted in opposition.  
John "Jack" Hilmes abstained)

Respectfully submitted,



Michael Ludwig, AICP  
Planning Administrator

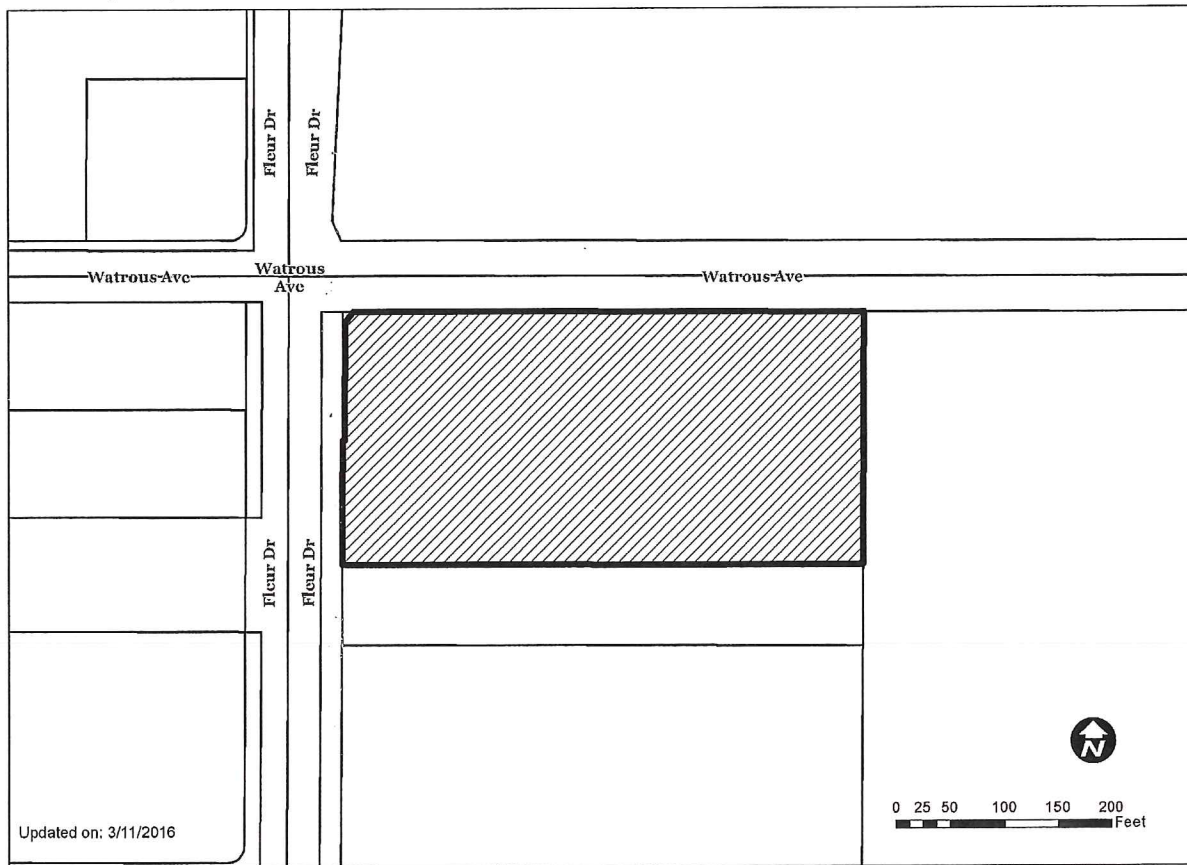
MGL:clw

Attachment

Quik Trip Corporation (purchaser) represented by Mike Talcott (officer) for property located at 4021 Fleur Drive. The subject property is owned by 4021 Investments, LLC.				File #	
				ZON2016-00047	
Description of Action	Approval of request to rezone property from "C-2" General Retail and Highway-Oriented Commercial District to "PUD" Planned Unit Development District. Approval of a PUD Conceptual Plan for "QuikTrip No. 0559R", to allow development of a 5,858-square foot convenience store and pump island canopy with 16 fueling locations subject to conditions.				
2020 Community Character Plan		Current: Commercial: Auto-Oriented, Community Commercial. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan		Fleur Drive Rebuild.			
Current Zoning District		"C-2" General Retail and Highway-Oriented Commercial and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		"PUD" Planned Unit Development and Freestanding Signs Overlay District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		1			
Outside Area					
Plan and Zoning Commission Action	Approval	9-2-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Quik Trip Corporation, 4021 Fleur Drive

ZON2016-00047





ZON2016-00047

3-31-16

Item

Date

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

RECEIVED  
(Circle One)  
COMMUNITY DEVELOPMENT

Neighborhood Association

Print Name

George Davis

APR 05 2016

Signature

*[Signature]*

3126 DEPARTMENT

Address

Southwest Hill Neighborhood

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

We Addressed this Issue At A <sup>TCU</sup> Opened  
board meeting - opposition was very minimal  
in that location concerns included  
impact on neighborhood additional storage  
Overall Support for project.