

Date July 11, 2016

RESOLUTION APPROVING SITE PLAN FOR A QUIKTRIP  
CONVENIENCE STORE AT 1200 KEOSAUQUA WAY AND 1201  
CENTER STREET

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 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, after notice and public hearing, the City Council adopted Roll Call No. 16-0162 on January 25, 2016, conditionally approving the site plan subject to the following conditions:

- a) Compliance with the standard engineering and Building Code requirements;
- b) Conforming to the applicable landscape standards; and,
- c) Resolving the issues with traffic flow and access onto 12th Street and the intersection of 12th Street and Keosauqua Way, including appropriate cost sharing on the study, design and construction of any necessary traffic improvements, to the reasonable satisfaction of the City Council; and,

WHEREAS, QuikTrip has diligently worked with the City staff and UnityPoint Health to incorporate a traffic solution into its site plan that provides for the construction of the following traffic improvements at QuikTrip's expense:

- A four-lane roadway on 12th Street, including a southbound right-turn lane at Center Street;
- A raised median on 12th to prohibit the left-turn access into the QuikTrip driveway on 12<sup>th</sup> Street;
- The QuikTrip driveway on 12th Street will be angled to only allow right-in only, no right-out;
- The northbound 12th Street approach at Keosauqua Way will be re-stripped to allow for a left-turn lane and a left-thru-right lane; and,
- Improvements to the signal at 12th Street and Keosauqua Way including new signal heads and signal timing changes to create a split phase for 12th Street; and,

WHEREAS, the planned traffic improvements are expected to reduce delays and improve traffic flow, even with the construction of the new QuikTrip convenience store; and,



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WHEREAS, UnityPoint has submitted the accompanying letter expressing its support for the amended site plan.

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

- 1. The City Council hereby finds that the amended site plan satisfactorily resolves the issues with traffic flow and access onto 12th Street and the intersection of 12th Street and Keosauqua Way.
2. The site plan titled "QuikTrip No. 0526" is hereby conditionally approved including the existing building placement and height, subject to:
a) Compliance with the standard engineering and Building Code requirements, the applicable landscape standards, and the administrative review comments;
b) Final approval by the City Council of the vacation and conveyance to QuickTrip Corporation or its designee, of the irregular segment of Center Street right-of-way adjoining 1201 Center Street for assembly into the site as shown by the site plan; and,
c) QuikTrip Corporation or its designee entering into a Private Construction Contract in standard form for the construction of the street and traffic improvements identified in the site plan.

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

FORM APPROVED:

( Council Communication No. 16- 379 )

Roger K Brown

Roger K. Brown, Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

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.

MOTION CARRIED APPROVED

Mayor

City Clerk

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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)

\*LICENSED IN IOWA & ILLINOIS

June 30, 2016

*Via Hand Delivery*

Mayor Cownie and  
City Council Members  
1551 E. MLK Jr. Parkway  
Des Moines, IA 50309

SUBJECT: Release of Condition 3.C – Roll Call No. 16-0162 (January 25, 2016); and vacation and conveyance of an irregular segment of Center Street right-of-way adjoining 1201 Center Street to QuickTrip Corporation

Mayor Cownie and Members of the City Council:

My law firm represents UnityPoint. UnityPoint 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").

It is our understanding that certain improvements will need to be made by QuickTrip to Keosauqua Way and 12<sup>th</sup> Street in conjunction with the proposed development of the Site by QuickTrip as depicted on the plan attached hereto as Exhibit "A" ("Street Improvements") to ensure acceptable traffic flow. In addition, we understand that QuickTrip is requesting that an irregular segment of Center Street right-of-way adjoining the Site be vacated and conveyed to QuickTrip in order to develop the Site. UnityPoint is not opposed to the Street Improvements to be made by QuickTrip, or the vacation and conveyance of the aforementioned right-of-way to QuickTrip.

We have been informed that there will be two items on the City Council Agenda for the meeting of Monday, July 11, 2016 as they relate to the above-referenced QuickTrip project.

The first item will be to release condition 3.C. as identified in Roll Call No. 16-0162 (January 25, 2016 regarding certain traffic and transportation issues). UnityPoint has reviewed the Street Improvements to be constructed by QuickTrip as depicted on Exhibit "A" attached hereto and approves and consents to same, so long as UnityPoint is not required to pay any costs associated with the Street Improvements, including the cost of the split signal to be installed at the intersection of Keosauqua Way and 12<sup>th</sup> Street.

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LILLIS O'MALLEY OLSON MANNING POSE TEMPLEMAN LLP

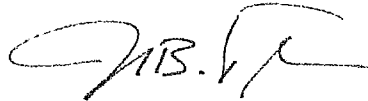
Mayor Cownie  
Members of the City Council  
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The second item for consideration on the City Council Agenda for Monday, July 11, 2016 is setting the date of public hearing to vacate and convey an irregular segment of Center Street right-of-way adjoining 1201 Center Street to QuickTrip. Likewise, UnityPoint has also reviewed the impact of this vacation and conveyance and hereby approves and consents to same.

We request this letter be received, filed and made a part of the consideration of the above-referenced Agenda items to be considered by the City Council on Monday, July 11, 2016.

Very truly yours,



Joel B. Templeman  
For the Firm

JBT/sam  
Enclosure