



Date March 6, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION FOR REVIEW AND APPROVAL OF A
1ST AMENDMENT TO THE QUIK TRIP NO. 0518 PUD CONCEPTUAL PLAN
ON PROPERTY LOCATED AT 1930 INDIANOLA AVENUE**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on February 16, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (owner), represented by Michael Talcott (owner), for a 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan on property locally known as 1930 Indianola Avenue (“Property”) to allow reconfiguration of the proposed pump island canopy, subject to conditions stated in the Commission’s communication; and

WHEREAS, the Property is legally described as follows:

LOTS 8, 9, 10, 11 AND 12 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, EXCEPT THAT PART OF SAID LOTS WHICH IS NOW INCLUDED IN INDIANOLA AVENUE

LOTS 6 AND 7 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

LOT 13 IN FIRST PLAT OF CLIFTON HEIGHTS (EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES BY QUIT CLAIM DEED RECORDED IN BOOK 852 AT PAGE 52) AND THAT PART OF LOT 4 LYING SOUTH OF AND ABUTTING INDIANOLA AVENUE OF OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

LOT 1 AND THE EAST 1/2 OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 1 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, (EXCEPT PART DEEDED TO CITY OF DES MOINES, AS RECORDED IN BOOK 814, PAGE 290)

AND

AN IRREGULAR PART OF LOTS 4 & 5, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, DESCRIBED AS BEGINNING AT A POINT 16.64 FEET WEST OF THE NORTHEAST CORNER OF LOT 5 THENCE WESTERLY ALONG THE NORTH LINE OF LOT 5 A DISTANCE OF 100 FEET, THENCE SOUTHERLY TO A POINT ON THE SOUTH LINE OF LOT 4 WHICH POINT IS 117.8 FEET WEST OF THE SOUTHEAST CORNER OF LOT 4 THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 4 A DISTANCE OF 100 FEET, THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF LOT 4 WHICH POINT IS 16.83 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4, THENCE CONTINUING NORTH TO THE POINT OF BEGINNING, ALL INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA. PARCELS A AND C OF THE PLAT OF SURVEY FILED NOVEMBER 5, 2003: PARCELS A AND C OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA, ON NOVEMBER 5, 2003 AND RECORDED IN BOOK 10252 PAGE 873, SAID PARCELS BEING A PART OF LOT 4 OF THE OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST



Roll Call Number

Agenda Item Number

27

Date March 6, 2017

-2-

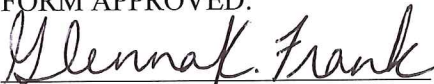
OF THE 5TH P.M., AND BEING PART OF THE SW ¼ OF THE SW ¼ OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING A PART OF THE SE ¼ OF THE SE ¼ OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING PART OF LOTS 8, 9, 10, 11, 12, 13 AND 14 OF FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

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 PUD Conceptual Plan is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on March 20, 2017, 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

(ZON2017-00004)

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.

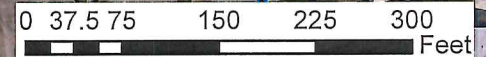
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk



Against:	0%
For:	3.95%
Unsure:	0%
No Response:	96.05%

Updated on: 2/23/2017



27



February 24, 2017

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 16, 2017, the following action was taken regarding a request from Quik Trip Corporation (owner) represented by Michael Talcott (owner) for review and approval of a 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan, on property located at 1930 Indianola Avenue; to allow reconfiguration of the proposed pump island canopy with 12 fueling locations by rotating the longer 92-foot dimension of the canopy fascia toward Indianola Avenue, bringing it closer to the public street but keeping it outside of the minimum 25-foot building setback.

COMMISSION RECOMMENDATION:

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

Commission Action:	Yes	Nays	Pass	Absent
Francis Boggus	X			
Dory Briles	X			
JoAnne Corigliano				X
David Courard-Hauri	X			
Jacqueline Easley	X			
Jann Freed				X
John "Jack" Hilmes	X			
Lisa Howard	X			
Carolyn Jenison	X			
Greg Jones	X			
William Page	X			
Mike Simonson	X			
Rocky Sposato	X			
Steve Wallace				X
Greg Wattier	X			

APPROVAL of the proposed PUD Conceptual Plan amendment subject to the following conditions: (ZON2017-0004)

1. Provision of a note that states “bike racks shall be provided near the entrance of the building in a highly visible location.”
2. The dimension between the top of the paving and the underside of the fuel canopy not exceed 15 feet at its closest location.
3. Provision of six coniferous trees along the southwest perimeter of the dumpster enclosure.

Written Responses

1 in Favor

0 in Opposition

STAFF RECOMMENDATION

Staff recommends approval of the proposed PUD Conceptual Plan amendment subject to the following conditions:

1. Provision of a note that states “bike racks shall be provided near the entrance of the building in a highly visible location.”
2. The fuel canopy shall have a maximum height of 18 feet. The Community Development Director may determine during the review of the Development Plan that a minor portion of the canopy may exceed 18 feet due to grade challenges.

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The proposed PUD Conceptual Plan amendment would allow reconfiguration of the proposed pump island canopy, the shifting of the retaining wall to the north, and the repositioning of the trash and can crusher enclosure unit to the east. As a result of these changes, the proposed footprint of the storm water basin has been reduced. Additionally, staff understands that less soil would be removed from the site, leaving the store with a floor elevation 2.5 feet higher than currently approved. The grade elevation in the canopy area would increase by 2 feet in general.
2. **Size of Site:** 2.43 acres or 105,850 square feet.
3. **Existing Zoning (site):** Quick Trip No. 0518 “PUD” District, “FSO” Freestanding Sign Overlay District, and “GGP” Gambling Games Prohibition District.
4. **Existing Land Use (site):** Vacant land.
5. **Adjacent Land Use and Zoning:**
North – “C-1”; Uses are St. Anthony’s Church and Columbus Park.

South – “C-1” & “R1-60”; Uses are single-family dwellings.

East – “C-1”; Uses are Columbus Park and a restaurant.

West – Limited “C-1” & “R1-60”; Uses are a large vacant lot and a single-family dwelling.

6. General Neighborhood/Area Land Uses: The subject site is located at the intersection of Indianola Avenue, Indianola Road and SE 1st Street. The area contains a mix of commercial and residential uses in addition to St. Anthony’s Church and Columbus Park.

7. Applicable Recognized Neighborhood(s): The subject property is located in the McKinley School/Columbus Park Neighborhood and in the Indianola Hills Neighborhood. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on January 27, 2017 and by mailing of the Final Agenda on February 10, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on January 27, 2017 and on February 7, 2017 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. The McKinley School/Columbus Park Neighborhood Association notices were mailed to Jim Post, 224 E. Livingston Avenue, Des Moines, IA 50315. The Indianola Hills Neighborhood Association notices were mailed to Jeni Dooley, 712 Virginia Avenue, Des Moines, IA 50315.

8. Relevant Zoning History: On March 7, 2016, the City Council rezoned the subject property from Limited “C-2” District and “C-1” Neighborhood Commercial District to a “PUD” District by Roll Call Number 16-0427 and Ordinance Number 15,452. This request was heard by the Commission on February 4, 2016.

9. PlanDSM: Creating Our Tomorrow Plan Land Use Plan Designation: “Community Mixed Use”. The Plan describes this category as “small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersections of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and service establishments designed to attract customers from a large service area encompassing multiple neighborhoods and may include specialty retail that attracts regional customers.” The site is not located within a node designated on the Future Land Use Map.

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 Development Plan (aka site plan). A stormwater detention basin is shown on the Conceptual Plan in the southeast portion of the site near the Hillside Avenue and Indianola Avenue intersection.

Development of the site must comply with the Tree Preservation and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.

- 2. Street System:** A traffic study was prepared by the development team when the original request was considered and reviewed by the City's Traffic and Transportation Division. As a result of this review, the City Traffic and Transportation Division had the following comments:

- A full access drive approach on Indianola Road is not supported. A right-in and right-out configuration would be supported if a raised median is constructed in Indianola Road.
- A left turn lane should be provided in Indianola Avenue that allows for the queuing of north bound vehicles wishing to turn left into the site.

The submitted PUD Conceptual Plan amendment complies with these requirements.

- 3. 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 5,773-square foot building. A total of 56 parking spaces are proposed. This existing Conceptual Plan includes 64 parking spaces. Staff believes the proposed reduction in the number of parking spaces is insignificant as 56 spaces substantially exceeds the number of spaces required.

The Conceptual Plan does not identify any proposed bike racks. Staff recommends that approval be subject to the provision of bike racks near the entrance of the building.

- 4. 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.

The proposed PUD Conceptual Plan amendment would allow reconfiguration of the proposed pump island canopy, the shifting of the retaining wall to the north, and the repositioning of the trash enclosure and can crusher unit to the east. As a result of these changes, the footprint of the storm water basin has been reduced. Additionally, staff understands that less soil would be removed from the site, leaving the store with a finished floor elevation 2.5 feet higher than currently approved. The grade elevation in the canopy area would generally increase by 2 feet.

The fuel canopy would be rotated so that the long side runs along the street frontage. This would place a higher percentage of the canopy's footprint closer to Indianola Avenue. Typically, it is preferable to minimize the frontage of the canopy along the street. Given the context around the site and the comparable size of the narrow side of the canopy to the longer side of the canopy, allowing the long side of the canopy to front the street would have minimal impact on the quality of the urban design experience from the right-of-way.

However, pushing the canopy away from the retaining wall will place more of it in the field of view from the residential properties to the south since they are elevated above the site. The proposed changes to the grading plan will also raise the canopy 2 feet in height in relationship to the grade of these properties. In 2016 several neighboring property owners spoke at the Commission meeting. The impact of the development on their views was raised during testimony.

Design guideline "I(ii)" on page 7 of this report states "the overall height of canopies should not exceed 18 feet." The currently approved Conceptual Plan allows the canopy height to range from 18.5 to 23 feet. The range in height was granted to accommodate grade changes on the site. The same range is proposed with the amendment. Staff believes that most of the canopy should not exceed 18 feet in height in order to mitigate the impacts of the proposed amendment on other properties in the area.

- 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 2.43 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 12 fueling locations. A minimum of 21,170 square feet of open space is required to meet this guideline. The submitted Concept Plan shows that the site would have at least 41,888 square feet (39.6% of the site) of open space. The currently approved Conceptual Plan provides a minimum of 43,573 square feet (41.2% of site) of open space. Both designs meet and exceed 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.

Dedicated pedestrian routes would be provided from the Indianola Avenue and Indianola Road 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 trash and can crusher enclosure would be located to the east of the currently approved location. This move is necessary as a result of the changes to the retaining wall location. The proposed location would be more visible than the currently approved location. However, visibility of it would be limited by the fuel canopy and the retaining wall. Staff believes the proposed location complies with these guidelines.

- 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 Conceptual Plan includes dedicated pedestrian routes from the Indianola Avenue and Indianola Road 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.

No changes are proposed to the approved building design. The three street facing facades of the 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 three 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 proposed PUD Conceptual Plan amendment would allow reconfiguration of the proposed pump island canopy, the shifting of the retaining wall to the north, and the repositioning of the trash enclosure and can crusher unit to the east. As a result of these changes, the footprint of the storm water basin has been reduced. Additionally, staff understands that less soil would be removed from the site, leaving the store with a finished floor elevation 2.5 feet higher than currently approved. The grade elevation in the canopy area would generally increase by 2 feet.

The fuel canopy would be rotated so that the long side runs along the street frontage. This would place a higher percentage of the canopy's footprint closer to Indianola Avenue. Typically, it is preferable to minimize the frontage of the canopy along the street. Given the context around the site and the comparable size of the narrow side of the canopy to the longer side of the canopy, allowing the long side of the canopy to front the street would have minimal impact on the quality of the urban design experience from the right-of-way.

However, pushing the canopy away from the retaining wall will place more of it in the field of view from the residential properties to the south since they are elevated above the site. The proposed changes to the grading plan will also raise the canopy 2 feet in height in relationship to the grade of these properties. In 2016 several neighboring property owners spoke at the Commission meeting. The impact of the development on their views was raised during testimony.

The currently approved Conceptual Plan allows the canopy height to range from 18.5 to 23 feet. The range in height was granted to accommodate grade changes on the site. The same range is proposed with the amendment. Staff believes that most of the canopy should not exceed 18 feet in height in order to mitigate the impacts of the proposed amendment on other properties in the area.

- 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 and includes an ornamental fence, a bench and associated plantings at the southeast corner of the storm water detention basin. This design was in response to the recommendation by the Commission that the developer work with staff to creating a sense of place at the Indianola Avenue and Hillside Avenue intersection. Staff approved this concept prior to the submittal of the proposed amendment.

It contains the following notes regarding landscaping:

- *The site landscaping shall be in accordance with the landscape standards applicable in the C-2 zoning district or exceed as illustrated on the Conceptual Plan*
- *An enhanced level of landscaping shall be provided along South Union Street to the satisfaction of the Planning Administrator.*
- *The required landscaping shall be maintained for the life of the certificate of occupancy or certificate of zoning compliance.*

The submitted Conceptual Plan includes two (2) monument style signs. Each sign would be 8 feet tall by 11 feet, 1 inch wide and would include a 3-foot, 2-inch tall brick base. The signs comply with the "FSO" Freestanding Sign Overlay District and the City's monument sign design requirements. Below are the relevant portions of Section 134-1276 and Section 134-3 of the Zoning Ordinance for reference.

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.

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'.
- 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 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.

5. **Liquor Sales Use:** The appellant is proposing to sell 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 is within 100 feet of Columbus Park and 75 feet of the St. Anthony’s Church. Staff believes the proposal is appropriate as the site is over 2 acres in size creating its own context and is separated from these two facilities by major streets that carry a significant level of traffic. In addition, the applicant is proposing to only sell beer and wine and not alcoholic liquor.

- 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 topography. Staff believes that the sale of 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 topography and distance.

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

The subject property fronts Indianola Avenue and Indianola Road, which are major corridors. The proposed business would have minimal impact on the traffic pattern

and would not likely increase congestion in the area so long as a turn lane is provided in Indianola Avenue and a raised median is provided in Indianola Road as proposed.

- 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 amendment complies with these standards

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Ben Bruner Dickinson Law Firm 699 Walnut Street stated they are asking that condition #2 regarding the height of the fuel canopy be removed and for an opportunity to explain the grading issues prompted by the change in the wall. It is a smaller wall pushed out a little bit. The original wall construction cost was going to be \$3 million dollars. He believes the change will provide a more natural slope behind the store. He believes the original approval on the canopy was approved at 23 feet.

Jason Van Essen stated that a range from 18 feet to 23 feet was approved to accommodate grade.

Mike Talcott 5725 Foxridge Drive, Mission Kansas stated their minimum dimension clearance below the canopy is 15 feet. The canopy façade and the vertical structure the fascia is 3.5 feet tall. This site is designed at the minimum which is the top height of 18.50 and as it moves because of the grading it is not the canopy that is moving it is the grading moving down.

Greg Wattier asked how far it goes down.

Mike Talcott stated the slope is 3 feet going in a diagonal direction.

Greg Wattier asked if he was standing in the yard of the property on the hill would he be looking over the canopy or under the canopy.

Mike Talcott stated if in the house that person would be looking over the canopy, but that their backyard slopes downward.

John "Jack" Hilmes asked what was the previous canopy height approved that was closer to the neighbors. He is trying to understand relatively what difference it is to the neighbor based on the closest corner to the neighbor's property.

Mike Talcott stated he is not sure.

Jason Van Essen stated the lowest point would be the 18.5 height. Often height is calculated based on averaging. The average for the four points are 19.56.

John "Jack" Hilmes asked what is the difference of the four point in the previous approved plan and this one presented tonight.

Greg Jones stated that staff said the building was 2 feet higher now and he believes the canopy had the same relative relationship to the building before. The building was approximately 33 feet closer and the relative difference would be approximately 1 foot higher now.

Will Page asked if all of this redesign is necessary because the original plan did not take into consideration the \$3 million construction cost.

Mike Talcott stated yes and also the contractor wasn't sure it was possible to construct as they got closer to the two houses as they were doing excavation and having to put in the shoring. It might have been damaging to the houses. The new design will not be changed.

David Courard-Hauri asked if the retaining wall was at the grade of the hill or does it come up a little bit and block some of the view if looking from the houses.

Mike Talcott stated no because they were recessing the retaining wall further into the hill.

Will Page asked if there was a privacy fence behind the single-family dwelling that is on the hill or do they just look out over the canopy.

Mike Talcott stated there will be a privacy fence along with the required buffer plantings.

Mike Simonson asked would that be along the entire property line.

Mike Talcott stated there is a barrier fence to protect people from going down the hill and he believes it is along the back property line.

CHAIRPERSON OPENED THE PUBLIC HEARING

James Rice 5 Hillside Avenue stated he has the following questions:

1. His main concern is about South Union specifically. He wanted to know if there has been anymore consideration for the option of posting signs saying no through traffic or potentially just closing the street as suggested at the last meeting by a few of the neighbors who believed there was potential for increased traffic along S. Union.
2. The canopy. Will he be looking on top of the roof and canopy.
3. Will there be screening around the HVAC, cooling and air conditioning systems to block the view.
4. What color of roof will the building have.
5. The green space around the property. Where will the privacy fence and tree cover be located.
6. The dumpsters will move closer to his property, is there something that can be done to avoid that.

Jason Van Essen stated he recalls there was discussion about signage to discourage people from going through South Union. But, as a street it needs to stay open and he doesn't recall hearing anything else.

Rebuttal

Mike Talcott stated the mechanical screening is required and will be 95% opaque. The roof is a rubber membrane and he believes it is white. There will be a privacy fence and no changes to the previously approved landscaping plan are proposed. The garbage dumpster will be tucked off to the edge of the site and is a masonry structure.

Mike Simonson asked would the applicant be willing to add six coniferous trees to the southeast of the dumpster, which will over time help achieve what Mr. Rice is concerned about.

Mr. Talcott stated if the trees will go there he will add them. They want to be a good neighbor.

Jason Van Essen clarified that this is a PUD conceptual phase so there is a development plan that will be reviewed later. The previous approval did require enhance level of landscaping along S. Union to the satisfaction of the Planning Administrator.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Mike Simonson moved approval of the proposed PUD Conceptual Plan amendment subject to the following conditions:

- 1. Provision of a note that states "bike racks shall be provided near the entrance of the building in a highly visible location."
- 2. The dimension between the top of the paving and the underside of the fuel canopy not exceed 15 feet at its closest location.
- 3. Provision of six coniferous trees along the southwest perimeter of the dumpster enclosure.

Motion carried 12-0.

Respectfully submitted,

Jason Van Essen, AICP
Senior Planner

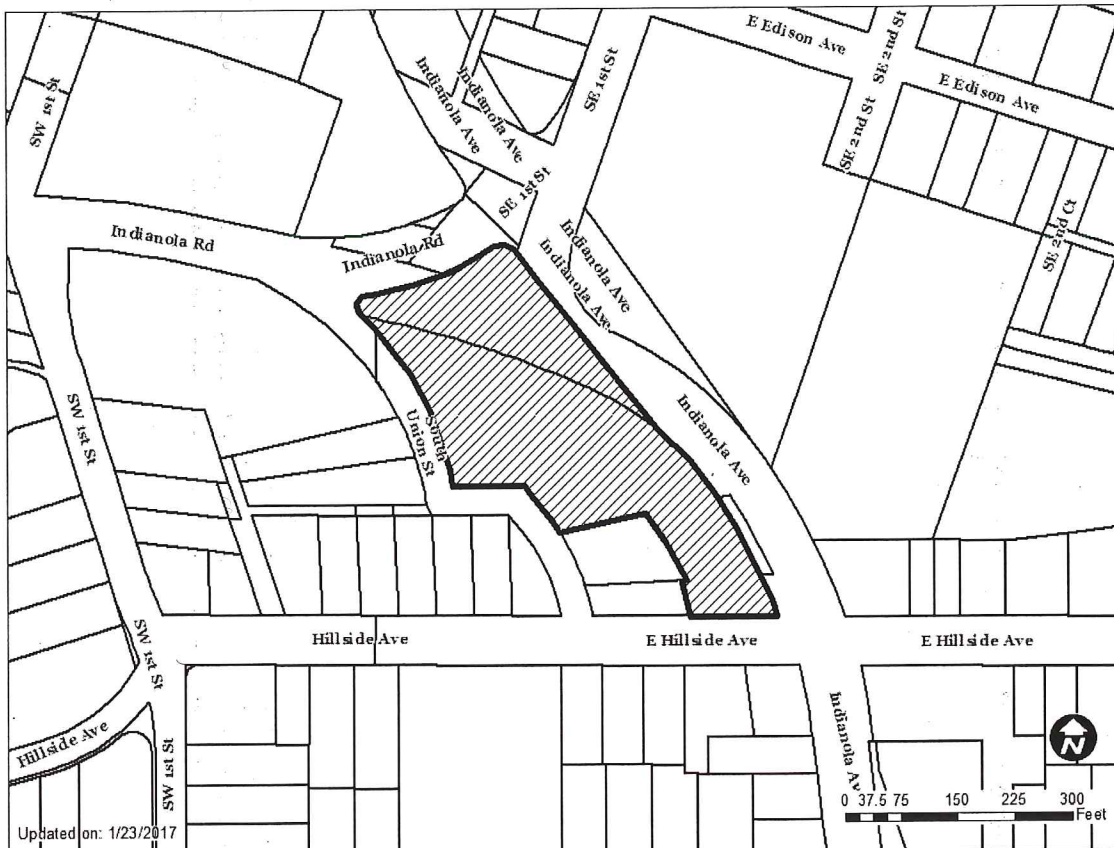
JMV:clw

Attachment

Quik Trip Corporation (owner) represented by Michael Talcott (owner) for property located at 1930 Indianola Avenue			File # ZON2017-00004	
Description of Action	Approval of a 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan, to allow reconfiguration of the proposed pump island canopy with 12 fueling locations by rotating the longer 92-foot dimension of the canopy fascia toward Indianola Avenue, bringing it closer to the public street but keeping it outside of the minimum 25-foot building setback, subject to conditions.			
PlanDSM Future Land Use	Current: Community Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan	No planned improvements.			
Current Zoning District	"PUD" Planned Unit Development and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District	N/A.			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area	1	0		
Outside Area				
Plan and Zoning Commission Action	Approval	12-0	Required 6/7 Vote of the City Council	Yes
	Denial			No

Quik Trip Corporation, 1930 Indianola Avenue

ZON2017-00004



1 inch = 149 feet

ZON2017-00004

Item

Date 02/20/17

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

(Circle One)

Print Name Mary Cruz Rodriguez

Signature Mary Cruz Rodriguez

Address 1971 South Union St Des

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

Moine IA
5035
