



Roll Call Number

17-0418

Agenda Item Number

60

Date March 6, 2017

**RESOLUTION HOLDING PUBLIC HEARING ON APPEAL BY
QUIK TRIP CORPORATION OF THE CONDITIONS OF A SITE PLAN
FOR PROPERTY LOCATED AT 1501 EAST GRAND AVENUE**

WHEREAS, on February 20, 2017, by Roll Call No. 17-0269, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 2, 2017, its members voted 14-0 to recommend **APPROVAL** of a request from Quik Trip Corporation (owner), represented by Mike Talcott (officer), for approval of an amendment to Site Plan "Quik Trip No. 0535" for property located at 1501 East Grand Avenue under design guidelines for gas stations/convenience stores, subject to the following conditions:

- (1) The "urban edge" along East Grand Avenue shall incorporate piers and trellis elements.
- (2) The Site Plan is subject to compliance with all administrative review comments including, but not limited to:
 - a. Providing an amount of open space on the site that is no less than the amount of open space identified on the site plan presented to the Plan and Zoning Commission by Case Number 10-2017-7.19 on September 15, 2016.
 - b. Providing minimum buffer yard plantings as required by the City's Landscaping Standards, to the extent and in the locations discussed at the Plan and Zoning Commission meeting (Case No. 10-2017-7.77, February 2, 2017).
 - c. Providing the minimum pavement perimeter setback distance (10 feet along street right-of-way).
 - d. Providing the minimum landscape perimeter plantings along Capitol Avenue.
 - e. Providing a special landscape treatment at the intersection corner of East Grand Avenue and East 15th Street as defined by the City's design guidelines for gas stations/convenience stores.
 - f. Providing a pedestrian route to East 15th Street from the building.
 - g. Providing lighting coverage that complies with City of Des Moines lighting standards.
 - h. Complying with the City's design guidelines for gas stations/convenience stores maximum fuel canopy height provisions.
 - i. Providing sidewalk and planter bed details on the site plan.
 - j. Utilizing cut-off light fixtures for all building mounted lighting.
 - k. Providing consistent architectural detail on all sides of the building including porcelain elements and cornices on the rear façade that match the other three facades.
 - l. Removal of the commercial access drive on to Capitol Avenue; and

WHEREAS, Quik Trip Corporation has timely appealed to the City Council pursuant to Municipal Code Section 82-210, seeking to have the conditions set forth above as determined by the Plan and Zoning Commission overturned and/or modified; and

WHEREAS, on February 20, 2017, by Roll Call No. 17-0269, it was duly resolved by the City Council that the appeal be set down for hearing on March 6, 2017 at 5:00 P.M. in the Council Chamber at the Municipal Services Center (MSC); and

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WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place of hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed site 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, Section 82-210 of the Des Moines Municipal Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission regarding a site plan.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission approval of an amendment to Site Plan "Quik Trip No. 0535" from Quik Trip Corporation for property located at 1501 East Grand Avenue under design guidelines for gas/stations/convenience stores are hereby received, and the public hearing on the appeal and proposed site plan is closed.

MOVED by Gatto to **APPROVE** the site plan, subject to the following conditions:

- * (1) ~~The "urban edge" along East Grand Avenue shall incorporate piers and trellis elements.~~
- (2) The Site Plan is subject to compliance with all administrative review comments including, but not limited to:
- a. Providing an amount of open space on the site that is no less than the amount of open space identified on the site plan presented to the Plan and Zoning Commission by Case Number 10-2017-7.19 on September 15, 2016.
 - b. Providing minimum buffer yard plantings as required by the City's Landscaping Standards, to the extent and in the locations discussed at the Plan and Zoning Commission meeting (Case No. 10-2017-7.77, February 2, 2017).
 - c. Providing the minimum pavement perimeter setback distance (10 feet along street right-of-way).
 - d. Providing the minimum landscape perimeter plantings along Capitol Avenue.
 - e. Providing a special landscape treatment at the intersection corner of East Grand Avenue and East 15th Street as defined by the City's design guidelines for gas stations/convenience stores.
 - f. Providing a pedestrian route to East 15th Street from the building.
 - g. Providing lighting coverage that complies with City of Des Moines lighting standards.
 - h. Complying with the City's design guidelines for gas stations/convenience stores maximum fuel canopy height provisions.
 - i. Providing sidewalk and planter bed details on the site plan.
 - j. Utilizing cut-off light fixtures for all building mounted lighting.

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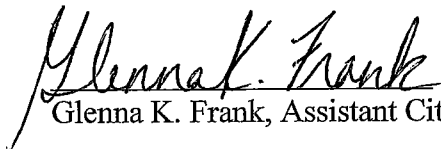
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- k. Providing consistent architectural detail on all sides of the building including porcelain elements and cornices on the rear façade that match the other three facades.
- ** 1. ~~Removal of the commercial access drive on to Capitol Avenue.~~

* (1) Provide an "urban edge" along East Grand Avenue, (no piers or trellis required)

** (2) 1. Commercial access drive to Capitol Avenue shall be through alley - design to be approved by the City Engineer.

FORM APPROVED:

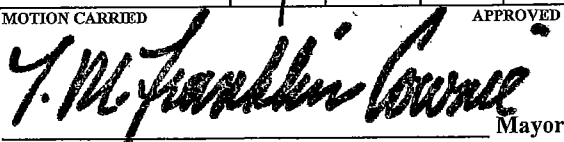

Glenna K. Frank, Assistant City Attorney

(10-2017-7.77)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED


Y. M. Franklin
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.


Diane Rauh
City Clerk