



Date February 20, 2017

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

**WHEREAS**, the City Plan and Zoning Commission has advised 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 15<sup>th</sup> Street as defined by the City’s design guidelines for gas stations/convenience stores.
  - f. Providing a pedestrian route to East 15<sup>th</sup> 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.

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



Date February 20, 2017

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1. The communication from the Plan and Zoning Commission is hereby received and filed.
2. The City Council shall consider the appeal by Quik Trip Corporation at a public hearing to be held on March 6, 2017, at 5:00 p.m., in the Council Chambers, Richard A. Clark Municipal Service Center, 1551 E. Martin Luther King, Jr. Parkway.
3. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

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

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				

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



Benjamin D. Bruner  
(515) 246-4510  
bbruner@dickinsonlaw.com

February 3, 2017

*Via Regular and Certified Mail*

Diane Rauh, City Clerk of Des Moines  
1st Floor City Hall - 400 Robert D. Ray Drive  
Des Moines, Iowa 50309  
VIA EMAIL: cityclerk@dmgov.org

**Re: Appeal of February 2, 2017 Planning and Zoning Commission Conditional Site Plan Approval (QuikTrip Corporation – Store 535 related to 1501 East Grand Avenue, Des Moines, IA)  
Our File No.: 2015-4573**

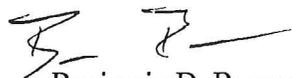
Dear City Clerk:

At a meeting on February 2, 2017, the Des Moines Planning and Zoning Commission conditionally approved a request from QuikTrip Corporation for the approval of an amended Site Plan “QuikTrip No. 0535” for the development of a convenience store at 1501 East Grand Avenue. A copy of the February 2, 2017 meeting agenda is attached hereto for reference and the agenda item noted therein is Item #2. This letter shall serve as formal written appeal of said Planning and Zoning Commission’s conditions attached to the approval recommendation and as further notice of the same. This letter shall also serve as a formal request for a hearing to the Des Moines City Council.

This appeal and request for hearing is timely and properly submitted to the City Clerk in accordance with Des Moines City Code Section 82-210. Any and all questions or concerns can be submitted to the undersigned. Please acknowledge receipt of this notice/appeal in the space provided below.

Thanks in advance for your time and attention to this matter.

Very truly yours,

  
Benjamin D. Bruner

BDB/rn  
Enclosures

Cc: Des Moines Community Development Department (Attn: Mike Ludwig – VIA EMAIL)  
MGLudwig@dmgov.org



**CITY PLAN AND ZONING COMMISSION**

\*\*\*\*\*AGENDA\*\*\*\*\*

**for the meeting scheduled on  
February 2, 2017 at 6:00 P.M.**

**Due to Renovations in City Hall this meeting is relocated  
TO THE RICHARD A. CLARK MUNICIPAL SERVICE CENTER  
2<sup>ND</sup> FLOOR COUNCIL CHAMBERS AT 1551 EAST M.L. KING JR. PKWY**

**PLAN AND ZONING COMMISSION RULES AND PROCEDURES**

1. The Plan and Zoning Commission is generally an advisory body to the City Council. The City Council will hold a public hearing and make the final decision on all matters before the Commission other than Site Plans and Subdivision Plats, unless denials or conditional approvals thereof are appealed. Please contact the City Clerk or Community Development Department staff for details on Council hearings.
2. Applicant will be given 10 minutes to present the request.
3. Proponents and then opponents from the public are then allowed to speak in that order, with each speaker allowed a maximum of 5 minutes.
4. Applicant is then allowed five (5) minutes for a rebuttal.
5. The hearing will then be closed and the Commission will discuss and vote on the issue.
6. All comments are to be germane to the item under consideration and speakers are to maintain a courteous manner.
7. Items listed on the consent portion of the agenda will not be individually discussed and will be considered for approval in accordance with the recommendation in the staff report unless an individual present or member of the Commission requests that the item be removed from the consent agenda and considered separately under the public hearing agenda.
8. The City of Des Moines is pleased to provide accommodations to individuals or groups with disabilities and encourages participation in City government. To better serve you, when possible please notify us at least three business days in advance at 515-283-4209, should special accommodations be required. Assistive Listening Devices are available for meetings in the Council Chambers.
9. Plan and Zoning Commission meetings are broadcast on Mediacom Cable Channel 7.1 or 7.2 for customers with that service.
10. Transportation for City of Des Moines meetings at their temporary location can be scheduled to and from DART Central Station at 620 Cherry Street. To reserve your route, please call DART On Call Scheduling at (515) 283-8136. Calls for trips will be accepted up until 5:00 PM of the day prior to the meeting. Please be sure to mention in your request that you require transportation for the City of Des Moines meetings at their temporary location. This notice is intended to comply with accessibility requirements of the Americans with Disabilities Act.

***Note: There is not a scheduled early informational session.***

**6:00 ROLL CALL & APPROVAL OF MINUTES**

**CONSENT PUBLIC HEARING ITEMS**

1. Request from 12<sup>th</sup> Street Lofts, LLC (owner) represented by Kris Saddoris (officer) for the following items on property located at 121 12<sup>th</sup> Street:

- A) Vacation of a 5-foot by 5-foot segment of surface rights in 12<sup>th</sup> Street and a 5-foot by 5-foot segment of surface rights in Mulberry Street, both adjoining the subject property, to allow for entrance door swings. (11-2017-1.01)
- B) Review and approval of a Site Plan "Station 121" under design guidelines for multiple-family dwellings, to allow renovation of the existing two-story warehouse and office building into 26 dwelling units. (10-2017-7.73)

### **PUBLIC HEARING ITEMS**

- 2. Request from Quik Trip Corporation (owner) represented by Mike Talcott (officer), for review and approval of an amendment to the Site Plan "Quik Trip No. 0535" under design guidelines for gas stations/convenience stores, on property at 1501 East Grand Avenue, to allow for modification of the approved "urban edge" requirement on the north streetscape of East Grand Avenue and waiver of additional Site Plan design guidelines. (10-2017-7.77)

### **OTHER ITEMS**

- 3. Committee and Director's Reports
- 4. Election of Officers



February 15, 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 2, 2017, a request from Quik Trip Corporation (owner) represented by Mike Talcott (officer), for review and approval of an amendment to the Site Plan "Quik Trip No. 0535" under design guidelines for gas stations/convenience stores, on property at 1501 East Grand Avenue, to allow for modification of the approved "urban edge" requirement on the north streetscape of East Grand Avenue and waiver of additional Site Plan design guidelines. (10-2017-7.77)

**COMMISSION RECOMMENDATION:**

After public hearing, the members voted 14-0 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 Site Plan subject to the following conditions:

1. The "urban edge" along East Grand Avenue shall incorporate piers and trellis elements.

2. 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.
3. Providing minimum buffer yard plantings as required by the City's Landscaping Standards, to the extent and in the locations discussed at the February 2, 2017 Commission meeting.
4. Providing the minimum pavement perimeter setback distance (10 feet along street ROW required).
5. Providing the minimum landscape perimeter plantings along Capitol Avenue.
6. Providing a special landscape treatment at the intersection corner as defined by the City's design guidelines for gas stations/convenience stores.
7. Providing a pedestrian route to East 15th Street from the building.
8. Providing lighting coverage that complies with City of Des Moines lighting standards for roadways.
9. Complying with the City's design guidelines for gas stations/convenience stores maximum fuel canopy height provisions.
10. Providing sidewalk and planter bed details on the Site Plan.
11. Utilizing cut-off light fixtures for all building mounted lighting.
12. 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.
13. Removal of the commercial access drive on to Capitol Avenue.

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

Staff recommends that the "urban edge" along East Grand Avenue incorporate piers and trellis elements.

In addition, staff recommends that any site plan approval be subject to compliance with all administrative review comments. Identified deficiencies in the submitted Site Plan to date include, but are not limited to:

1. Deficiency in the minimum open space (only 14.4% proposed).
2. Deficiency in the minimum buffer yard plantings in the proper location.
3. Deficiency in the minimum perimeter setback distance (10 feet along street ROW required).
4. Deficiency in the location of plant materials for the perimeter setback along Capitol Avenue.
5. Deficiency in providing special landscape treatment at the intersection corner.
6. Deficiency in the optimal site layout in the locational placement of refuse, service, and storage areas and ancillary uses (in this case the trash enclosure, can crushers, and air station).
7. Deficiency in pedestrian route to East 15<sup>th</sup> Street from the building.
8. Deficiency in the lighting coverage based on relocation of the street light on East Grand Avenue.
9. Deficiency in staying below maximum canopy height.
10. Deficiency in sidewalk and planter bed details on East Grand Avenue.

11. Deficiency in identification of all building mounted light fixtures as cut-off.
12. Deficiency in all sides of the building showing consistent architectural character (porcelain elements should be provided on the rear façade along with cornice design to match the other three facades).
13. Traffic and Transportation Division's request to remove the commercial access on Capitol Avenue has not been satisfied.

Any approval of the Site Plan in its present form (or modified form), requires specific waiver of any design deficiencies that are not satisfied.

Should the Plan and Zoning Commission recommend denial of the Site Plan as submitted or recommend approval of the Site Plan with conditions, the applicant may appeal the decision to the City Council.

## STAFF REPORT TO THE PLANNING COMMISSION

### I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is proposing to replace the existing convenience store with their new store prototype. The applicant seeks to amend the Site Plan previously approved by the Plan and Zoning Commission to revise the design of the "urban edge" feature on East Grand Avenue. The applicant also seeks waiver of specific design guidelines in the Site Plan Ordinance.
2. **Size of Site:** 77,078 square feet or 1.77 acres.
3. **Existing Zoning (site):** "C-2" General Retail and Highway-Oriented Commercial District, Limited "C-2" General Retail and Highway-Oriented Commercial District, and "FSO" Freestanding Signs Overlay District.
4. **Existing Land Use (site):** Paved parking lot, paved access drive from the alley, and a single-family dwelling. The remaining portion of the redevelopment site contains the existing 4,146-square foot Quik Trip convenience and a pump island canopy with 10 fueling locations.
5. **Adjacent Land Use and Zoning:**

**North** – "NPC"; Uses are pedestrian-oriented commercial center, Lathrop's carpet cleaning service, and vacant land.

**South** – "R1-60"; Use is the Capitol View Elementary School property.

**East** – "C-2" & "R1-60"; Uses are commercial building with bakery and photography studio tenants and single-family dwellings.

**West** – "C-2"; Uses are a furniture store and single-family dwellings.
6. **General Neighborhood/Area Land Uses:** The subject site is located at the East 15<sup>th</sup> Street and East Grand Avenue intersection and is a part of the East Grand Avenue commercial corridor. The adjoining segment of East Grand Avenue corridor predominately consists of a traditional, walkable commercial district. Most buildings

have minimal setbacks from the street. The building stock is a mix of historic commercial buildings and modern infill construction. The site is located in the Capitol East Neighborhood, which primarily consists of Victorian era single-family dwellings on small lots.

- 7. Applicable Recognized Neighborhood(s):** The subject property is located in the Capitol East Neighborhood. All recognized neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on January 13, 2017. A Final Agenda was mailed to the neighborhood associations on January 27, 2017. Additionally, separate notifications of the hearing for this specific item were mailed on January 23, 2016 (10 days prior to the hearing) to the Capitol East Neighborhood Association contact 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 designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Capitol East Neighborhood Association notices were mailed Jack Leachman, 1921 Hubbell Avenue, Des Moines, IA 50316.

- 8. Relevant Zoning History:** On August 20, 2001, the City Council approved Ordinance Number 13,985 (Roll Call No. 01-2598) rezoning a portion of the applicant's site from "R1-60" District to a Limited "C-2" District. This portion of the site fronts Capitol Avenue and is comparable in width and depth to two single-family lots. The following zoning conditions are listed in Ordinance Number 13,985.

- A. There shall be no direct vehicular access between the Property and Capitol Avenue. There shall be no direct vehicular access between the Property and the adjoining East/West alley. All vehicular access to the Property shall be provided through the adjoining land to East 15<sup>th</sup> Street and East Grand Avenue.*
- B. The following uses of land and structures shall not be permitted upon the Property:*
  - 1) Automobile, trailer, motorcycle, boat and farm implement establishments for display, hire, rental or sale.*
  - 2) Taverns and nightclubs.*
  - 3) Adult entertainment businesses.*

On September 15, 2016, the Plan and Zoning Commission approved a Site Plan under design guidelines for gas stations and convenience stores, to allow demolition of the existing convenience store and pump island canopy and to construct a 5,773-square foot convenience store with a pump island canopy having 12 fueling locations expandable to 16 fueling locations and allowing commercial site development to access Capitol Avenue, subject to the following conditions:

- A. The public alley within the Property shall not be truncated and shall be connected to Capitol Avenue.*
- B. The applicant shall work with City staff to create an urban edge for the north streetscape (Grand Avenue frontage), to the approval of the Planning Administrator.*

This was also subject to rezoning 1522 Capitol Avenue from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway-Oriented Commercial

District and to rezoning a portion of 1515 East Grand Avenue from Limited “C-2” General Retail and Highway-Oriented Commercial District to revise the conditions to remove the condition prohibiting the commercial site development to access Capitol Avenue.

On October 10, 2016, by Ordinance No. 15,520, the City Council rezoned 1522 Capitol Avenue from “R1-60” One-Family Low-Density Residential District to “C-2” General Retail and Highway-Oriented Commercial District and rezoned a portion of 1515 East Grand Avenue from Limited “C-2” General Retail and Highway-Oriented Commercial District to revise the conditions to remove the condition prohibiting the commercial site development to access Capitol Avenue, subject to the following:

- A. *The public alley within the Property shall not be truncated and shall be connected to Capitol Avenue; and*
- B. *The applicant shall work with City staff to create an urban edge for the north streetscape (Grand Avenue frontage), to the approval of the Planning Administrator.*

**9. PlanDSM Creating Our Tomorrow:** The subject site is designated as “Community Mixed Use” all within a “Neighborhood Node”.

**10. Applicable Regulations:** In consideration of the criteria set forth in Chapter 18B of the Iowa Code, any Site Plan application which includes property used as a gas station or convenience store and for extension of parking shall be approved by the Plan and Zoning Commission if the proposed Site Plan conforms with the design regulations in Section 82-213 and the following additional design guidelines in Section 82-214.08 of the City Code, unless the commission determines that the construction and use of the site will have a significant detrimental impact on the use and enjoyment of adjoining residential uses. Section 82-206(b)(2)(c) in the Site Plan Ordinance also requires that review of any Site Plan by the City shall consider the City’s Comprehensive Plan.

## **II. ADDITIONAL APPLICABLE INFORMATION**

**1. PlanDSM Creating Our Tomorrow:** The site is designated as “Community Mixed Use.” The entire site is located within the East Grand Avenue and East 15<sup>th</sup> Street “Neighborhood Node” on the Future Land Use Map. The following land use designation descriptions are from Page 18 and Page 20 of PlanDSM: Creating Our Tomorrow.

*Community Mixed Use: Small- to medium-scale mixed use development, located on high capacity transit corridors or at the intersection of transportation corridors. Community mixed use areas include both a mix of medium density residential and a mix of retail and services establishment designed to attract customers from a large service area encompassing multiple neighborhood and may include specialty retail that attracts regional customers.*

*Node Overlay: Three overlay districts are also identified on the Future Land Use Map representing neighborhood, community and regional nodes. Not all characteristics of nodes exist today, but these areas represent opportunities to develop a mixture of uses to provide a variety of housing types, employment opportunities and services at greater concentrations than the surrounding area. Nodes are focal points in the community and do not represent a specific spatial area. Nodes exist today. However, they are largely auto-oriented places. Neighborhood, Community, and Regional nodes represent opportunities over time for the City to create mixed use areas that provide for increased*

*housing and transportation choices, reduced infrastructure and maintenance expenditures, and the creation of vibrant places to serve neighborhoods and the City as a whole.*

*Neighborhood Node: These nodes are the smallest in size and offer services that provide for basic daily needs of the local population in the surrounding neighborhood. Residential development including low-medium and medium densities may occur.*

In addition to the Future Land Use Map, Plan DSM: Creating Our Tomorrow includes the follow goals that should be considered when reviewing the applicant's request.

*LU9: Identify new neighborhood nodes and proposed land uses considering the following criteria:*

- *The ability to create a compact, walkable structure within the identified node;*
- *The capacity for employment and economic vitality;*
- *The ability to provide housing in close proximity to jobs; and*
- *Access via transit and other alternative modes of transportation.*

*LU10: Prioritize new mixed use development and redevelopment along proposed high capacity transit corridors and nodes.*

*LU24: Provide safe and pleasant walking and biking routes to neighborhood features including commercial areas, public spaces, recreational facilities, and schools.*

*LU25: Require new development and redevelopment to be compatible with the existing neighborhood character.*

*T11: Design safe and accessible pedestrian ways connecting major destinations throughout the City including transit corridors.*

*ED14: Support the development of a complete multimodal transportation network for pedestrians, bicyclists, transit, and automobiles.*

*CCN5: Ensure infill development is sensitive to the existing character of the neighborhood.*

*CCN18: Promote compact, mixed-use development to provide adequate density to support neighborhood commercial viability.*

*CCN22: Encourage neighborhood nodes that are accessible by pedestrians, bicyclists, and transit users, as well as motorists.*

The adjoining segment of the East Grand Avenue corridor predominately consists of a traditional, walkable commercial district. Most buildings have minimal setbacks from the street, particularly those that are the most recent to be developed. The building stock is a mix of historic commercial buildings and modern infill construction.

The applicant is proposing to redevelop the site with a new convenience store building and site improvements. The building would be located slightly to the east of the center of the site. It would be separated from the adjoining Rights-Of-Way by surface parking. The fuel pump island would be located to the west of the building along East 15<sup>th</sup> Street.

The submitted Site Plan shows two driveways to East Grand Avenue, one driveway to East 15<sup>th</sup> Street and one driveway to Capitol Avenue. The Site Plan proposes to remove the existing access drive that provides ingress/egress from the west end of the alley to Capitol Avenue and relocate it further to the east. This would comply with the approved zoning condition.

The proposed site layout consists of a standard, auto-oriented design. In order to comply with approved conditions, the amended plan proposes decorative fencing with low-level masonry columns and a pedestrian bench along East Grand Avenue. Staff does not believe this meets the intent of the conditions approved by the Commission as part of the recent rezoning and Site Plan approval. It does not support the existing pedestrian-oriented character of the East Grand Avenue corridor, nor does it comply with the goals of the City's Comprehensive Plan as listed above. The Commission spoke to needing an "urban edge" feature with more substantial elements such as brick piers and a trellis and made it subject to approval by the Planning Administrator. Staff believes the submitted amendment does not provide these elements as discussed by the Commission at the hearing where the Site Plan was approved. The piers should be more substantial in height and girth as they are creating an edge in lieu of bringing the building to the street. No trellis element was proposed. Staff believes this would be appropriate on the private property side at the street where the accessible pedestrian route meets with East Grand Avenue. This may require sacrifice of a parking space to achieve.

**2. Design Guidelines for Gas Station/Convenience Stores:** Redevelopment of the site requires the consideration of the submitted Site Plan and building elevations for review by the Plan and Zoning Commission in accordance with the Design Guidelines for Gas Stations/Convenience Stores (Sec. 82-214.08).

1. 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;
- (iii) Circulation systems and parking;
- (iv) Service bays;
- (v) Ancillary uses such as car washes, drive through uses, ATMs and telephones.

*The adjoining segment of East Grand Avenue corridor predominately consists of a traditional, walkable commercial district. Most buildings have minimal setbacks from the street. The building stock is a mix of historic commercial buildings and modern infill construction. The proposed layout consists of a standard, auto-oriented design with the building centered at the east, rear of the site centered between East Grand Avenue and Capitol Avenue. This configuration would not support the existing pedestrian-oriented character of the East Grand Avenue corridor, nor would it comply with the goals of the City's Comprehensive Plan. The Commission would need to waive this guideline to approve the amendment.*

- 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 proposed site area is 1.77 acres and would not be considered as a Planned Unit Development.*

- C. **Minimum open space should be 20 percent (20%) of the site or 1,000 square feet per vehicle fueling location, whichever is greater.**

*The minimum open space requirement is 15,424 square feet based on the 20% minimum requirement being the greater calculation than 12,000 based on the number of proposed fueling locations. This would increase to a 16,000-square foot minimum at such time as the applicant would add the indicated additional 4 fueling locations. The proposed open space to be provided is 11,082 square feet. In either scenario the proposed open space is deficient and would require waiver of this design guideline as part of any Site Plan approval. Staff believes there is the ability to reduce number of parking spaces and some of the drive aisle widths within the site and still conform to required number of spaces and minimum dimensions. This could help maximize the amount of open space.*

- D. All development proposals should show evidence of coordination with the Site Plan as well as arrangement of buildings and planning elements of neighboring properties by:
- (i) Responding to local development patterns and the streetscape by use of consistent building setbacks, orientation and relationship of structures to the street and linkages to pedestrian facilities;
  - (ii) Seeking shared-access with adjoining commercial uses where feasible to minimize curb cuts and enhance pedestrian and vehicular circulation;
  - (iii) Minimizing cross traffic conflicts within parking areas.

*The adjoining segment of East Grand Avenue corridor predominately consists of a traditional, walkable commercial district. Most buildings have minimal setbacks from the street, many with a zero setback on the north side of East Grand Avenue.*

*The applicant is proposing to redevelop the site with a new convenience store building and site improvements. The building would be located on the eastern half of the site. It would be separated from the adjoining rights-of-way by parking. The fuel pump island would be located to the west of the building along East 15th Street. The submitted Site Plan shows two driveways to East Grand Avenue, one driveway to East 15th Street and one driveway to Capitol Avenue. The Site Plan includes relocating the existing access drive that provides segregated egress from the west end of the alley to Capitol Avenue.*

- 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 air compressor station is located near the intersection within the front yard setback. This should be relocated to an area of the site tucked away from the street front yard setbacks. The proposed can crusher and refuse container enclosure is located right at the minimum setback along Capitol Avenue. To meet the intent of this provision it should be relocated more interior to 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.

*While the proposed Site Plan shows accessible routes to both East Grand Avenue and Capitol Avenue, the proposed overall layout consists of a standard, auto-oriented design. It does not show a pedestrian route to sidewalk in East 15<sup>th</sup> Street. Waiver of this guideline would be necessary to approve the Site Plan as proposed.*

## 2. Architecture.

The following architectural guidelines encourage creative response to local and regional context and contribute to the aesthetic identity of the community.

- A. 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.  
*The north, west and south facades of the proposed building would be sided with brick and porcelain tile and would have aluminum cornices and entrance canopies. The east rear façade would be sided with brick. Because of the site elevation, the rear side of the building will have exposure to westbound traffic on East Grand Avenue. Staff recommends that the elevations demonstrate significant architectural detailing on all four facades.*
- B. 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.

N/A.

- C. Drive-through elements should be integrated into the building rather than appear to be applied or "stuck-on" to the building.

N/A.

- D. **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.**

*The three primary 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 with no other detail. Staff recommends that porcelain elements be provided on the rear façade along with cornice design to match the other three facades. This is based on the east side of the building being within public view of East Grand Avenue.*

- E. Walls, pump island canopies and other outdoor covered areas should be compatible with the building, using similar material, color and detailing.

*The proposed fuel pump island canopy would be sided with metal and supported by columns wrapped in brick to match the building.*

- F. To encourage visually interesting roofs, variations in the roof line and treatments such as extended eaves and parapet walls with cornice treatments are encouraged.

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

- G. 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.
- (v) Subtle changes in material color and texture.
- (vi) Variation in roof forms.
- (vii) Covered pedestrian frontages and recessed entries.
- (viii) Deeply set windows with mullions.

*The proposed building design includes wall plane variation, material variety and varying parapet wall heights on the three street facing facades.*

- H. 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. The double array of pump apparatus would minimize the expanse of the canopy appearance from all directions.*

- (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 in height to from 18 feet - 6 inches to 23 feet. The height of the underside of the canopy would*

range from 15 feet to 19 feet. The grading plan indicates there would only be two-feet of grade difference across the extent of the canopy. This would not justify a canopy height greater than 20 feet overall when adjusting for the grade situation. Staff recommends that the overall height of the canopy be limited to 20 feet maximum. This should be sufficient for a 2-foot change in cross slope proposed for the canopy area based on the typical 18-foot maximum height. Waiver of this guideline would be necessary to approve the Site Plan as proposed.

- I. 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.

*There are not display areas shown.*

### 3) 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.**

*The submitted Site Plan is deficient of plant material and screen fencing required for bufferyard minimums from the residential property directly to the east. Waiver of this guideline would be necessary to approve the Site Plan as proposed.*

**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.**

*The Site Plan is deficient of plant material to screen and buffer these areas from the residential property directly to the east and from the public street views. Waiver of this guideline would be necessary to approve the Site Plan as proposed.*

**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, and decorative sign foundations and housing.**

*Staff does not believe the landscaping shown at the intersection locations of the site represent the intent of this provision. Specifically, a greater variety of plant materiel should be used and should integrate into the proposed monument signs at those locations. Waiver of this guideline would be necessary to approve the Site Plan as proposed.*

**E. Proper maintenance and timely replacement of plant material is required and will be enforced based on the approved Site Plan.**

*The submitted site plan does not comply with the City's Landscaping Standards. Minimum open space should be 20% of the site or 1,000 square feet per vehicle fueling location, whichever is greater. The greater requirement in this case is the 20% provision or 15,424 square feet. The Site Plan proposes 11,082 square feet (14.4%) of open space. The pavement and/or building footprint would need to be reduced to meet this requirement. Additional open space could also be obtained by expanding interior planting islands throughout the site.*

*Currently portions of the required landscaping (open space, parking perimeter, interior lot, and bufferyard) are shown within the Right-Of-Way areas which would not comply. The requirements for these landscaping elements must be satisfied within the private property.*

*To meet the design guidelines, the Site Plan needs to be revised to provide plantings a 10-foot bufferyard where adjacent to the residential use to the east. Minimum planting requirements for bufferyards are two (2) overstory tree and six (6) evergreen trees per 100 lineal feet of property line, in addition to the 6-foot screen. There is approximately 130 lineal feet of required bufferyard along the east property line demanding this requirement. Should the alley egress be provided in this location, the bufferyard should be between the alley and the existing residences.*

*Perimeter lot plantings are required within the minimum 10-foot paving setback along all street side property lines of parking lots. Currently the setbacks are shown at 5.5 feet along some portions of Capitol Avenue and 7.93 feet along portions of East Grand Avenue and do not comply. All perimeter lot setbacks should have a minimum 10-foot setback based on the amount of paving. Waiver of this guideline would be necessary to approve the Site Plan as proposed.*

*The interior parking lot minimum plantings require one (1) overstory deciduous tree and three (3) shrubs for every 20 parking spaces provided. They shall be within planter beds of no less than nine (9) by seventeen (17) or 153 square feet. The plans identify the islands with trees and shrubs provided.*

*To meet the intent of PlanDSM by tying into the existing pedestrian corridor, staff recommends providing parkway planting requirements. This would call for one overstory tree per 30 lineal feet within the Right-Of-Way in 5-foot by 15-foot planters, 1 foot back of curb within the sidewalk along East Grand Avenue, with a 6-foot dedicated walk width. The submitted plan generally complies with this requirement providing three (3) such planters along East Grand Avenue.*

*To meet the design guideline for enhancing the overall appearance, staff recommends providing a minimum 42-inch tall decorative dark metal fence around the perimeter of the site along East Grand. In addition the brick columns should be taller (approximately 5 feet tall) and a trellis should be added on the private property within the area of the accessible pedestrian access to the streetscape.*

*Based upon the above landscape revisions required or recommend, a revised calculation of the total number of required plant materials would need to be evaluated.*

- F. Monument signs are encouraged and are required when the site adjoins a residential district.

*The site plan proposes two monument sign locations, one at the northwest corner of the site at the intersection of East 15<sup>th</sup> Street and East Grand Avenue and one at the southwest corner of the site at the intersection of East 15<sup>th</sup> Street and Capitol Avenue. All freestanding signs are subject to the following regulations when permits are requested by licensed sign contractors:*

**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.

4). 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.

*The site is surrounded by commercial and civic uses except residential property to the east. The submitted photometric plan indicates compliance with these requirements except a couple locations along the east property line would slightly exceed the 0.5 footcandles that would be required for adjacency to residential use.*

- 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 (fascia) of the canopy and internally illuminated/entirely translucent canopies should be prohibited. However, accent lighting on the sides (fascia) of the canopy may be permitted.

*The submitted drawings indicate the fuel pump island canopy would have recessed lights with lenses that are flush with the bottom surface of the canopy.*

- 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'.

*The photometric plan indicates all pole mounted fixtures would have a maximum height of 20 feet. The plan does not note if all fixtures would be full cut-off design.*

**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 photometric plan does not indicate if the building mounted fixtures would be full-cut off design. Staff recommends that a note be added to the Site Plan that any exterior wall mounted fixtures be of a down-directed cut-off design.*

- 3. **Natural Site Features:** The submitted Site Plan indicates removal of 18 trees varying between 12-inch and 48-inch caliper. Based on the mitigation table, 40 new tree plantings are required on site. The proposed planting schedule indicates the plan to provide 38 overstory and 7 evergreen trees (which convert to 3 overstory using the replacement schedule. This may be revised based on recommendations for perimeter lot and parkway planting. However, there should be at least 40 tree plantings to comply with the mitigation requirement. Because East 15<sup>th</sup> Street is also US Highway 69, street trees are not proposed within that Right-Of-Way.

4. **Access & Traffic:** A traffic study was prepared and submitted for review by the City's Traffic and Transportation Division. Traffic Engineering has reviewed the submitted traffic study and has made the following comments related to development of the site:

- A) The existing east/west alley that runs between Capitol Avenue and East 16th Street is proposed to include a dead end just east of the site. Design accommodation should be made to maintain this connection.

*The proposed design would comply with this by proposing relocation of the outlet to the east.*

- B) Traffic Engineering does not support the addition of an access point on Capitol Avenue. The submitted report states that the proposed access point on Capitol would be very low usage and primarily in place for local neighborhood traffic. The report also stated that the majority of the trips to and from the site would be vehicular and that the number of pedestrians/cyclists/transit trip ends was considered negligible and would have no outcome on the proposed development.

Due to the proximity of the Capitol View Elementary School, as well as current neighborhood planning efforts, Traffic Engineering disagrees with this statement and believes that introducing a commercial access point on Capitol Avenue would be contrary to efforts to prioritize walkability in the vicinity of schools in Des Moines. Capitol Avenue is on the designated school walk route for Capitol View Elementary and is used by parents, students, and school buses to access the school.

A sidewalk connection from the new QT to Capitol Avenue should be provided.

*The Commission previously approved the Site Plan allowing the drive connection from the site to Capitol Avenue. The same connection is proposed. An accessible pedestrian route is shown to Capitol Avenue but not a segregated walk.*

Additional response from Traffic Engineering to the submitted traffic study included:

- A) The report recommended investigating the addition of traffic signal heads for the northbound approach of East 15th Street and East Grand Avenue to potentially address crash trends at the intersection. The City will investigate further.
- B) The report included a discussion about the crashes happening along East Grand Avenue, east of East 15th Street and suggested that a center turn lane may help to address the left turn and failure to yield from driveway crashes. There were only two reported crashes in the studied time period that may have involved motorists exiting the QT site on East Grand Avenue, therefore no significant trend currently exists that would necessitate immediate changes in association with the site redevelopment. The City will investigate the possibility of a center left turn lane on East Grand Avenue in conjunction with the results of the Walkability Study later in 2017.

An additional comment by Traffic Engineering not related to the study is the need to provide a street lighting layout and evaluation of the lighting levels for East Grand Avenue where street light pole relocation is proposed.

6. **Parking:** A minimum of 20 off-street parking spaces are required for the proposed 5,773-square foot building (1 per 300 square feet). The applicant is proposing 68 parking spaces. The PlanDSM seeks to minimize off-street parking area. In this instance the submitted plan provided over three times the required minimum. Based on this staff believes that reducing the number of parking spaces to increase open space to meet minimum areas could be accomplished without compromising necessary parking.
7. **Drainage/Grading:** The submitted Site Plan indicates storm water management being handled by underground detention chambers at the southern portion of the site.
8. **Beer and Wine Permit/Liquor License:** The existing store sells beer and wine only. For beer and wine sales, the site would be required to maintain a 150 foot separation from a church, park, school, or licensed day care use. This proposed site does not meet those requirements as it is within 80 feet from Capitol View Elementary School. However, if the applicant does not surrender a valid beer and wine permit for the property and keeps it valid during the development of a new convenience store, there would not be a loss of legal non-conforming rights to the existing separations. Convenience stores do not require a Conditional Use Permit for the sale of beer and wine only.
9. **Staff Rationale:** Staff does not find that the proposed Site Plan achieves the intent of the zoning condition “the applicant shall work with City staff to create an urban edge for the north streetscape (Grand Avenue frontage), to the approval of the Planning Administrator”. Therefore the applicant has proposed an amendment for the Commission to consider for defining the intended “urban edge”. If the Commission approves the proposed amendment, the Planning Administrator would then consider it within the zoning condition and approve according to the Commission’s approval. There are several design guidelines that would also need to be waived such as minimum open space, buffer yard requirements, minimum perimeter landscape setbacks, location of perimeter lot plantings, sidewalk dimension details on East Grand Avenue, placement of the air station and placement of the trash enclosure and can crushing station.

## SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Jennifer McCoy, City Traffic Engineer spoke to the concerns of adding a commercial driveway on the Capitol Avenue side of the site. Traffic patterns were explained showing a traffic flow and walking route map for the area that includes the neighboring school. Traffic exiting via this driveway during the AM and PM school hours will run into the mix of school traffic and a pedestrian crossing close to the school as this is a one-way street. The fact that the driveway is 36 feet wide is also a concern for children who would cross the driveway when walking along Capitol Avenue. Jennifer spoke with Capitol View Elementary Principal Marsha Kerper and she was not aware of this project. Ms. Kerper expressed concerns about adding any additional traffic to this area as it is already congested with bus and parent drop-off traffic. There are a large number of children that

walk from this direction. For these reason, she cannot support allowing the commercial driveway to exit on to Capitol Avenue.

John "Jack" Hilmes asked Jennifer McCoy to explain the traffic controls currently in place at 15<sup>th</sup> Street and Capitol Avenue.

Jennifer McCoy stated that currently students are asked to walk up to East Grand where there are two crossing guards that can assist with getting children across 15<sup>th</sup> Street. There is no traffic light or stop sign on 15<sup>th</sup> to turn on to Capitol Avenue. A cross walk runs north and south, but not east and west.

Jaqueline Easley asked if the presence of East High School complicates the traffic circulation.

Jennifer McCoy said it was possible, but as they stagger times with the elementary schools, she didn't see it as much as an impact to this area.

Will Page asked if it there is currently access to the convenience store from Capitol Avenue.

Jennifer McCoy stated currently there is not a commercial driveway on Capitol Avenue. There is one driveway on 15<sup>th</sup> Street and then two accesses on East Grand Avenue.

Jason Van Essen asked if there were any additional questions regarding the rest of the staff recommendations.

Greg Jones asked what discussion, if any, had happened at City Council regarding the "urban edge".

Mike Ludwig answered that City Council had approved it as stated and did not require them to move the building. The only thing they were left with was to determine the "urban edge". Staff requests for compliance with basic c-store design guidelines and landscape standards have been rebuked by Quik Trip to date. Quik Trip submitted a new site plan and now staff is trying to get guidance from the Commission to see if the urban edge complies with the Commission's original intent.

Jason Van Essen clarified the two zoning conditions for the property. One requires the alley to be continued and connected to Capitol Avenue. The second requires the applicant to work with staff to create an urban edge along the north streetscape to the approval of the Planning Administrator.

Mike Ludwig noted that because the Commission's motion didn't specifically say to meet normal site plan standards the applicant believes their site plan has been approved and that staff cannot request those things. Staff believes that when the Commission approved the previous site plan, it was their intent to maintain normal standards for a C-Store.

Ben Bruner, Dickenson Law Firm, 699 Walnut Street. Stated he wanted to focus on why they are back here today. There was a site plan submitted with the re-zoning and the site plan has been approved. This includes the access on to Capitol Avenue. The deficiencies on the site plan have been addressed administratively and now this is coming in as an amendment to a site plan that has already been approved. The true discord with the

original items that were discussed before were the alley in the back and the “urban edge”. The alley has already been corrected and an easement has been filed. Mike Talcott will further explain their plans for the “urban edge”. He believes they have went above and beyond the spirit of the intent of the Commission and the Council.

Greg Jones asked if they conclude that they have an approved site plan and that they can disregard the deficiencies and only focus on the “urban edge”.

Ben Bruner stated that the “urban edge” is what they believe should be the focus. Many of these items are being worked administratively such as the open space. For instance, when they took out the alley it decreased the open space by a small amount, but they are willing to work these things out. Many of the other deficiencies are basically requests for information and they will provide those things and they have been addressed.

John “Jack” Hilmes asked why they submitted their site plan with 12 or 13 deficiencies. The Commission is not used to see so many deficiencies at this point.

Ben Bruner stated they did not see them as deficiency when it was originally submitted. He sees this as trying to put fog on the entire site plan in general.

John “Jack” Hilmes stated he went through the list and noted things that could and couldn't be fixed. He is wondering now if they believe they can disregard these deficiencies and only discuss the “urban edge”. Wondered if they believe they have already been approved on the original site plan and can disregard the advice and suggestions from the professional staff at the City Planning office.

Ben Bruner state there wasn't a clear definition for deficiencies. Many of these items are just requests for information and that they are willing to provide. The photometrics have been submitted. The façade for the back of the building has been changed and updated in the building plan. There are a number of administrative items on this list that are not deficiencies making more of an issue than it really is.

John “Jack” Hilmes stated the he believed as of today, there are a number of items that the City Planning office believes to be deficiencies, while the applicant believes there are calculations and submissions that weren't included, but will be included and it is no big deal. However, it comes down to a list of 13 items and the Commission does not know if these things have been confirmed and has never had it presented like this with so many issues. He asked to go through the deficiencies and see what is in and what is out and how we can get these fixed.

Ben Bruner started with item number one of the deficiencies and also ask Mike Talcott to also jump in when needed.

- 1) Deficiency in the minimum open space (only 14.4% proposed)

The site plan as approved previously waives this as a deficiency. It's not uncommon with many of their stores to make changes and once it has been approved to have these waived as a deficiency.

Will Page asked what the percent of open space was before.

Ben Bruner stated originally it was around 18% and after addressing the alley connection in the back of the store to Capitol Avenue as requested, it lowered this percentage. They did what you asked and this is the result of that change.

Jann Freed asked to continue going line by line stating that if some of these things have been resolved, the Commission needs to know that.

Ben Bruner stated that many of these things get solved pre and post submittal of the site plan.

Mike Ludwig noted that these deficiencies were provided in staff comments prior to the last site plan presented to the Commission. Staff recommended denial of the site plan as part of the rezoning. The discussion focused on the location of the store and then creating an "urban edge" along Grand Avenue. A motion was made without being specific that the Commission also expected them to comply with administrative review comments. When staff has requested modifications to address those review comments. The applicant claims they already had approval of the site plan and are not willing to address staff's comments.

Will Page asked if the previous site plan was approved per staff with the exception of adding an "urban edge".

Mike Ludwig stated the motion had two conditions as shown earlier in the staff report regarding the "urban edge" and the alley connection. The applicant subsequently elected to file a new site plan so the old site plan is no longer valid and the City can require them to address these deficiencies. This is a new application.

Glenna Frank stated that the applicant had two choices in the process. Comply with the rezoning conditions on the first site plan or apply for a site plan amendment which reopens everything. The applicant chose to submit a site plan amendment and that is why we are here today.

Ben Bruner stated that this was news to him that this was an amendment to a site plan that had already been approved. He asked if it was now treated as a new site plan and asked for an explanation from Glenna Frank on the process.

Glenna Frank explained that when the site plan had been approved at this level, it could have been appealed at City Council. The second option was to have an amendment to the site plan, which triggers the whole process over again. There is no allowance in our code for staff to approve a site plan that is not in compliance. So the options were to come in compliance or to submit an amended site plan and this is what Quik Trip chose to do.

Jann Freed asked if we were bound to anything or is this an open discussion.

Glenna Frank agreed it's an open discussion.

Will Page asked about the first time the applicant had come before the Commission that he thought the footprint of the building was pushed considerably forward to 15<sup>th</sup> Street.

Mike Ludwig said that was incorrect and that the building location has not been changed. Clarified that staff requested as part of the rezoning that the building be moved closer to East Grand.

Will Page stated to that point, he felt we had already made a big concession to Quik Trip in allowing them to keep the building where they wanted it.

Jann Freed stated now that we clarified the situation asked how the applicant wishes to respond to this.

Mike Talcott, representing Quik Trip Corp., stated he was the one that had requested to come to the Plan and Zoning Commission after several discussions with staff. He feels that at the last meeting items were mentioned as suggestions for the “urban edge” such as a trellis, landscaping, and fencing. These suggestions turned into “you must do everyone one of these things” and this all comes down to not doing a trellis. He feels that they have gone over and above what has been asked of them and they are happy to do it as it is a great looking store. He showed on the site plan how he had asked his engineers to look at the corridor of the area and to get their edge to look similar. He feels like staff is saying add more open space, but when he looks down the corridor, he asks where their open space is. The definition of the character of the corridor is not clear. Staff asked for more trees and they added more trees and it was still not enough. In the end, he is willing to get things resolved.

Jacqueline Easley stated that if they would like the Commission to make a fair decision, that the Commission must ask and review the questions.

Mike Talcott agreed that they should, but he wanted them to know his side of how he felt the situation had come to this place.

Greg Wattier asked that since they had only just received these deficiencies if it would make sense to continue until the next meeting.

Mike Talcott stated no that they wanted a decision tonight.

Greg Jones stated he understood that the applicant had some confusion as to if they do or do not have a site plan approved, but he cannot imagine the Commission would allow all of the items on the deficiency chart, let alone asking the “urban edge” to be as minimal as proposed, to go forward.

John “Jack” Hilmes suggested the Commission go through the list item by item.

Greg Jones stated if it is going to be “no” all the way down the list, then why bother. If they think they have a site plan approved, and we don’t think so, then he doesn’t know how we can make this work.

Jann Freed stated she was interested in the traffic access that was presented, but thought it would make sense to go down the entire list to see which ones they agree to.

Mike Talcott began with item one that had been addressed earlier.

- 1) Deficiency in the minimum open space.

Agreed to work on getting the open space back up to what is was previously, which he recalled being approximately 18%.

- 2) Deficiency in minimum buffer yard plantings in the proper location.

Noted this was in regards to a privacy fence along the alley way and they agree to add more plants.

Mike Simonson made comment regarding turning in site plans and stated he believes Quik Trip does an excellent job in their operations and that they have a good civil engineer, but they need to include counts on their site plans. There is almost never a count of number of trees, shrubs, and definition of buffer. These need to be included when submitting and quit making staff count all these things and define these. The applicant knows what the requirements are and they should be doing it.

Mike Talcott

- 3) Deficiency in the minimum perimeter setback distance (10 feet along street ROW required).

Agreed to provide the 10' setback.

- 4) Deficiency in the location of plant material for the perimeter setback along Capitol Avenue.

Showed the site plan and asked where he was going to fit additional trees. But was certain it was nothing that they couldn't overcome. Agreed to provide the plant material.

Mike Simonson noted that the request to have a 10' set back between the curb and the internal parking will provide additional room for trees and shrubs.

Mike Talcott

- 5) Deficiency in providing special landscape treatment at the intersection corner.

Agreed to provide some kind of low rising plants to go around the sign.

- 6) Deficiency in the optimal layout in the locational placement of refuse, service, and storage areas and ancillary uses (in this case the trash enclosure, can crushers, and air station).

Stated they comply with the required zoning setback and gave reasons to keep it located where proposed.

Mike Simonson offered his opinion as to why the trash enclosure was fine where it is currently proposed. Trash enclosures are masonry and very solid. It is in line with the house to the east and is much more efficient for a garbage truck to go straight in and straight out.

Mike Talcott

- 7) Deficiency in pedestrian route to East 15<sup>th</sup> Street from the building.

Agreed that it should be on the site plan and will add it accordingly.

- 8) Deficiency in lighting coverage based on relocation of the street light on East Grand Avenue.

Stated they have prepared a photometric plan and that Mid-American Energy agrees that it meets their requirement. Agreed to add another light if needed.

- 9) Deficiency in staying below maximum canopy height.

Agreed to a maximum canopy height of 19 feet.

- 10) Deficiency in sidewalk and planter bed details on East Grand Avenue.

Stated they exceeded what is expected for sidewalk width.

Jason Van Essen showed on the site plan where the sidewalk tapers on East Grand Avenue near the intersection and stated that staff is concerned that the walk path is not wide enough in this specific area. The scale of the drawing doesn't allow staff to determine if it's wide enough. Staff is asking that detail drawings of this be added to the site plan so it can be determined if the proposed dimensions are adequate.

Mike Talcott stated that they had made it ADA compliant and was willing to alter the design to add detail as needed.

- 11) Deficiency in the identification of the all building mounted light fixtures as cut-off.

Agreed to add the note to the building plan.

- 12) Deficiency in all sides of the building showing consistent architectural character (porcelain elements should be provided on the rear of the façade along with cornice design to match the other three facades).

Agreed to put matching architectural character on the back of the building.

- 13) Traffic and Transportation Division's request to remove the commercial access on Capitol Avenue has not been satisfied.

Stated that they would like to keep the access point on Capitol Avenue. They believe their traffic study determined the impact was going to be negligible. It was also made clear by the neighbors that they did not care if this was added. Although some of the discussion has been to remove it, they wish to keep it as an additional form of circulation as this is important to their business. He gave the example of the store on East 30<sup>th</sup> as an example of how it was working well.

Mike Simonson pointed out the difference in this case is that all the exiting traffic on Capitol Avenue is one-way, east-bound and must pass the elementary school.

Mike Talcott stated that their study did not find that it was going to have an impact that was going to be negative to the neighborhood. He also had his neighborhood meeting in that

school and the members had no problem whatsoever with this exit going on to Capitol Avenue.

Jann Freed stated that we had listened to a different opinion tonight that brings new details of the impact.

Mike Talcott stated he had heard the concerns and if their study had shown that it would hurt anyone, they would not have proposed it. The study shows that it will not make a negative impact.

Greg Wattier asked what the truck delivery in and out of the building will be.

Mike Talcott stated much like truck traffic is today, most of them come in from East Grand or 15<sup>th</sup> Street and pull to the back of the store. They also exit from these points. Given that it is a narrower in and out access point on to Capitol Avenue, he does not feel that this will change.

Greg Wattier asked Mike Ludwig if there was a way to regulate that on Capitol Avenue.

Mike Ludwig stated that they could put in “no truck” traffic signage, but in the end trucks will go where they go and it’s not likely that they would always be caught. The best way to control this is to not have a driveway on to Capitol Avenue.

Jann Freed asked to hear from Jennifer McCoy again regarding traffic.

Jennifer McCoy stated she has a different take on the history of the issue regarding the access point to Capitol Avenue. The traffic analysis that was done for this was prepared by an engineer that Quik Trip hired.

Their engineer reached out to City staff and showed the initial site plan before the traffic study was complete. City staff expressed concerns about the Capitol Avenue access point from the start. But, Quik Trip’s engineer went forward with the study and stated that the usage would be minimal to that area. Usage is only a small part of the picture in this case, as this creates a whole other access point.

Traffic studies are based on estimates and there could still be a truck going through this area or someone speeding as they get their donut and coffee in the morning not thinking about children. The 36’ wide driveway also brings concerns. Staff made these comments from the start and have been consistent in our concerns.

As far as a truck route, trucks can come in on a truck route and have to go back on the route, so going down Capitol Avenue would be in violation of the ordinance and they would need to leave on East Grand Avenue or 15<sup>th</sup> Street. That doesn’t necessarily stop them from going down this way, but at least it could be enforced when caught.

John “Jack” Hilmes asked if it would be less of a problem if it was less than 36’ wide.

Jennifer McCoy stated no. It is the extra traffic and conflict possibility of the access point. The extra width causes greater concern, but it is the access point itself.

JoAnne Corigliano stated she did not see the need for the access point. She does not believe they need 36' and this does not help the neighborhood. If they get to keep it, that size is just too much.

Will Page asked if the existing location of the pumps were being changed.

Mike Talcott stated they are in the same place, but now will have two rows. It will increase the width from east to west.

Will Page stated if the pumps are staying where they are it could be concluded that the access points they currently have are working quite well.

Mike Talcott agreed that that the driveway access does not have to be as wide as 36' and he can work with his engineer to reduce it down to 24'. This is the first that it has been brought up, so it can be considered. He believes it will have minimal use, but it is still away to get people in and out of the store.

Jacqueline Easley asked if there was any further discussion.

Greg Jones stated that he wanted to hear their case for the plans on the "urban edge".

Mike Talcott stated that on the original discussion when they were asked to move the building and when that was not an option, other items were suggested by Mike Simonson as alternatives to making an "urban edge". We have done every single one of these items outside of the trellis and now it has turned into a requirement. If he felt he had a good idea of what a trellis actually meant, maybe he could have considered it.

Mike Simonson said the idea on the trellis was to add height and more mass to the area.

Mike Talcott stated again, it was a suggestion and then it turned into a requirement. He would like the Commission to know that he has been willing to work with all of you on this project.

Greg Jones stated it goes back to the definition of an "urban edge". An urban edge is a building and what we want here is a structure that replaces a building in concept. Things with height and mass. Instead we get short fences with piers and this does not create what a building would be. A trellis would work, because it is taller and would fill in more mass. Trees, plants, and shrubs are just streetscape and the "urban edge" should feel more like a building.

Mike Ludwig pointed out as an example, across the street, Los Loralles has a trellis element that comes out to the street level. They have room to do a trellis element along the Grand Avenue side that would shorten the walking path area that has to go across the driveway area. It could extend along the edge of a landscaped median in the parking area.

Will Page asked if someone could show a picture of a trellis to give a better idea.

Mike Simonson stated to think of it as a pergola. Large posts, maybe 8' tall connected by a frame of beams. It can be constructed out of wood, steal or even some new synthetic materials.

## **CHAIRPERSON OPENED THE PUBLIC HEARING**

No one was present to speak in favor or in opposition of the applicant's request.

## **CHAIRPERSON CLOSED THE PUBLIC HEARING**

John "Jack" Hilmes asked if there was a compromise about the drive way access on Capitol Avenue and are we to the point that we don't need it.

Mike Talcott stated they still wanted it but are happy to narrow it.

Rocky Sposato asked how many people had shown up for the neighborhood meeting in this area and if he had shown the site plan with the driveway access.

Mike Talcott believed there were 12 to 13 people that came to their meeting and they were shown a plan without the alley connecting to Capitol Avenue, but the driveway access point was there. There were no complaints.

Jann Freed wanted to clarify that of the 13 items presented in the staff recommendation that other than not moving the trash storage area (#6), that (#13) removing the driveway access to Capitol Avenue was the only thing he was not agreeing to.

Mike Talcott stated that was correct, but he was willing to narrow the driveway as narrow as 24' in width once he meets with his engineers.

David Courard-Hauri made motion for approval of the Site Plan subject to the following conditions:

1. The "urban edge" along East Grand Avenue shall incorporate piers and trellis elements.
2. 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.
3. 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 (February 2, 2017).
4. Providing the minimum pavement perimeter setback distance (10 feet along street ROW required).
5. Providing the minimum landscape perimeter plantings along Capitol Avenue.
6. Providing a special landscape treatment at the intersection corner as defined by the City's design guidelines for gas stations/convenience stores.
7. Providing a pedestrian route to East 15th Street from the building.
8. Providing lighting coverage that complies with City of Des Moines lighting standards for roadways.
9. Complying with the City's design guidelines for gas stations/convenience stores maximum fuel canopy height provisions.
10. Providing sidewalk and planter bed details on the Site Plan.
11. Utilizing cut-off light fixtures for all building mounted lighting.

12. 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.

13. Removal of the commercial access drive on to Capitol Avenue.

Will Page requested a friendly amendment be added to the condition regarding lighting that it must comply with the standards of Mid-American Energy and the City of Des Moines.

Jennifer McCoy clarified that the standards are the City of Des Moines lighting standards for roadways.

David Courard-Hauri accepted the amendment and it was so added.

Rocky Sposato stated he was concerned about the condition eliminating the drive to Capitol Avenue as it seemed apparent during the neighborhood meeting that they wanted the access point. He believes that if they were concerned they would have shown up at the meeting tonight and given that they did not, he feels that the Commission is over concerned. Cutting off access to Capitol Avenue will be hard on the neighbors who live there and he doesn't see trucks using this route. He doesn't believe that the Commission should be making decisions for a neighborhood that wants the access there and it shouldn't be our biggest concern if the neighbors aren't there to make an issue of it.

Lisa Howard stated we don't know that for sure what all the neighbors want and there are a lot of children in this area and we have to be concerned first with their safety.

Rocky Sposato acknowledged this, but still felt that if it wasn't an issue for the neighborhood that possibly it should not be for the Commission.

JoAnne Corigliano agreed with Rocky Sposato and suggested maybe a compromise with narrowing the access point to slow people down. She requested a friendly amendment to allow the access point on to Capitol Avenue, but to make it narrower than the proposed 36'.

Greg Jones stated that there is currently no access on to Capitol Avenue and he does not feel that they need it now.

Will Page stated concerns with the amount of traffic on 15<sup>th</sup> Street and felt that this could be a speed issue on Capitol Avenue if the driveway access was allowed.

David Courard-Hauri did not accept the friendly amendment made by JoAnne Corigliano.

### **COMMISSION ACTION:**

David Courard-Hauri made a motion for approval of the Site Plan subject to the following conditions:

1. The "urban edge" along East Grand Avenue shall incorporate piers and trellis elements.
2. 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.

3. 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 (February 2, 2017).
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9. Complying with the City's design guidelines for gas stations/convenience stores maximum fuel canopy height provisions.
10. Providing sidewalk and planter bed details on the Site Plan.
11. Utilizing cut-off light fixtures for all building mounted lighting.
12. 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.
13. Removal of the commercial access drive on to Capitol Avenue.

Motion passed 14-0.

Respectfully submitted,



Jason Van Essen, AICP  
Senior City Planner

JMV:clw

cc: Quik Trip Corporation  
McClure Engineering  
Dickinson Law Firm



**January 26, 2017**

**Randy Zerr  
McClure Engineering  
1360 NW 121<sup>st</sup> Street  
Clive, Iowa 50325**

RE: 1501 E. Grand Avenue, Quik Trip on E. Grand

10-17-7.77

Dear Randy:

We have reviewed the first (1st) submittal of the amended site plan for the Quik Trip on E. Grand project, located at 1501 E. Grand Avenue in Des Moines, and have determined that the following conditions must be satisfied before plan approval can be granted.

**Engineering**

1. Please note that additional comments in regard to the public improvements were sent to Randy Zerr via e-mail on 1/4/17 – no action required at this time.
2. As previously acknowledged, a completed SWPPP and Grading Permit will be submitted prior to commencement of site work – no action required at this time.
3. The east approach on E Grand Ave should be shifted at least 6-7 feet west such that the radius on the east side of the approach does not cross the property line (if property line was extended to the curb). This requirement is directly out of City Code Section 102-374. "Practical site design and operational needs" still need to meet City Code requirements.
4. Along with submitting one signed paper copy, please e-mail a PDF copy of the Stormwater Management Report for this project to: [apprilipp@dmgov.org](mailto:apprilipp@dmgov.org)
5. Call out the proposed access easement and identify the width of said easement on Sheet 3.
6. The proposed access easement description should be modified as follows:
  - Add "TO THE NORTHEAST CORNER OF LOT 6" to the description in the appropriate location of line 3.
  - Omit the final sentence that references the Quik Trip project number.

## Traffic

7. Staff acknowledges that this item as presented was previously discussed and approved at the Plan and Zoning Commission pending no further action under review of outstanding design related items. Traffic and Transportation does not support the proposed new driveway approach on Capitol Avenue for the reasons stated previously after review of the traffic impact analysis report.

8. A photometric plan for this site's lighting was submitted. We need the street lighting layout and an evaluation of the lighting levels at least for E Grand Avenue where the street light pole relocation is shown.

## Planning

9. Previous comment pending Real Estate approval of easement. Staff acknowledges that you have moved the access drive, off of the alley, east. Within the 10-foot bufferyard, 2 overstory trees and 6 evergreen trees per 100 lineal feet are required. These must be shown on the landscape plan and calculated accordingly. As the access drive will require an easement please the attached instructions for an "Easement from a developer to the City of Des Moines" and proceed with submittal to Sara Henry at [sbhenry@dmgov.org](mailto:sbhenry@dmgov.org). Verification that this process has begun is required upon submittal.

10. Same comment. As discussed at the Plan and Zoning Commission meeting, a stronger pedestrian oriented presence along E. Grand Avenue extending from the building to the sidewalk is required. The walkway should incorporate landscaping and a trellis / brick piers on both sides of the maneuvering aisle with appropriate pathway denotation on the pavement. This may require the removal of a couple stalls and differentiating building materials for the walk way. See the NPC development on the other side of grand which incorporated a mixture of lighting fixtures, planters, and pavers to enhance the pedestrian interest. This shall be so designed to City satisfaction.

Same comment, sufficient detail to identify satisfactory dimensions on the plans must be provided. In addition, the proposed urban edge should be consistent with the NPC corridor along E. Grand Avenue. This will require a 6-foot Class "A" sidewalk, street trees every 30 lineal feet in 5-foot by 15-foot planters, 1-foot back of curb. The relocated light pole should not be located within 15 feet of any street tree or in the walk and a street lighting design plan shall be submitted for Traffic review.

11. Same comment as this was not waived at the Plan and Zoning Commission meeting. Minimum open space should be 20 percent of the site or 1,000 square feet per vehicle fueling location, whichever is greater. Currently you are not meeting the 20 percent minimum and pavement needs to be reduced to meet this requirement. Additional open space may also be obtained by expanding planting islands throughout the site.

12. Same comment as these items were not waived at the Plan and Zoning Commission meeting. Currently portions of the required landscaping (open space, parking perimeter, interior lot, and bufferyard) are shown within the right-of-way which does not comply. These landscaping requirements must be satisfied on the private property. A landscape plan must be submitted and must meet the following landscape requirements:

- Provide a 10' Bufferyard where adjacent to R use along the east property line. Minimum planting requirements are two (2) overstory tree and six (6) evergreen trees per 100

lineal feet of property line, in addition to the 6-foot screen. There is approximately 130 lineal feet of required bufferyard along the east property line.

- Parking Perimeter plantings must be located within the required minimum 10-foot paving setback along all street side property lines (specifically more representative along E. Grand Avenue). Currently the setback is shown at 5.5' along some portions of Capitol Avenue and 7.93' along portions of E. Grand Avenue and does not comply. Revise all setbacks to have a minimum 10-foot setback.
- Parkway planting requirements call for one overstory tree per 30 lineal feet within the right-of-way in 5' X 15' Planters, 1 foot back of curb within the sidewalk along E. Grand Avenue, with a 6-foot walk. Planters provided but inadequate details for Class "A" dimensions.
- Shrubs along E. Grand Avenue encroach into the R.O.W. and must be maintained on private property.
- The privacy fence along the east property line should drop down to 3 feet within the required 25-foot front yard setback.

13. Same comment. At the request of the City Arborist, replace all proposed maples from the site plan with a different overstory species, and limit a single genus of tree species to no more than 20% of the trees proposed on site. This will minimize the future impact a tree specific disease outbreak or insect invasion may have on the trees on site. There are too many Oak trees proposed and there should be an increase in tree diversity as stated to being no more than 20% of one species.

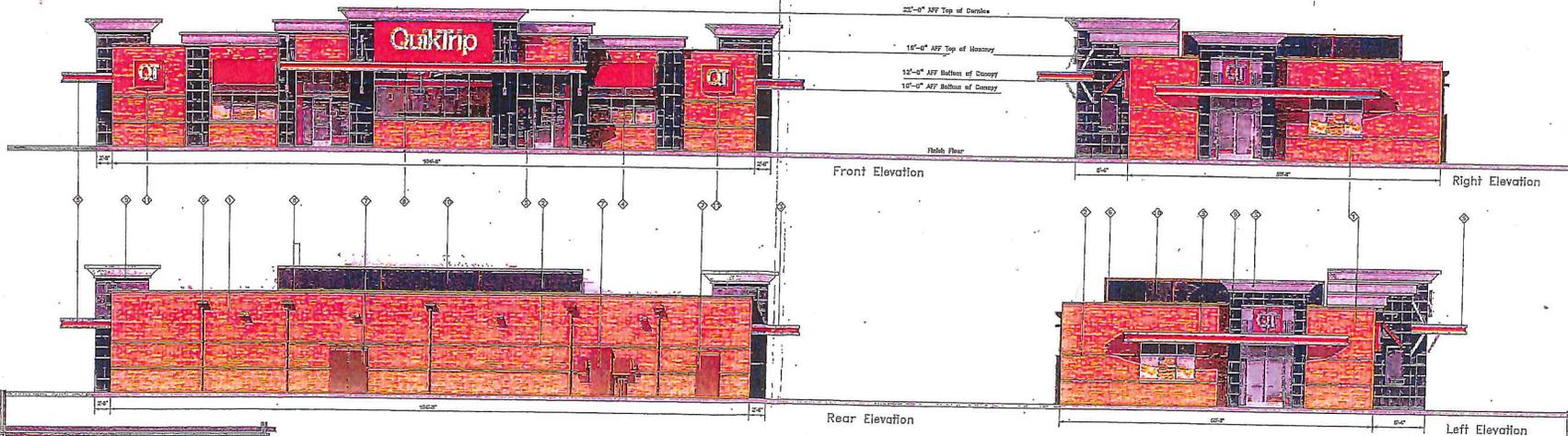
Please submit **three (3) review copies** of the revised plan satisfying the above listed items. Failure to resubmit such amended plan within 90 days from the date of this letter shall cause the application to lapse, and will require the payment of a new application fee to resume the application process.

If you have any questions contact me @ **283-4743** or by email @ [fadunyoung@dmgov.org](mailto:fadunyoung@dmgov.org).

Sincerely,



Frank Dunn-Young  
Senior City Planner



	<b>QuikTrip</b> 4725 South 122nd East Ave. Waukegan, IL 60087-7008 P.O. Box 3410 Tulsa, OK 74101-5478 (918) 913-7700	Store # 0535 Flat Entry Building Elevations Address: 1501 E Grand Ave City, State: Des Moines, IA	Serial # 04-0535-BFT1 Scale: 1/8"=1'-0" Issue Date: 05.10.16 Drawn By: JK Rev/Notes:	Copyright © 2011 QuikTrip Corporation. DESIGN PATENTS QUIKTRIP FLAT ENTRY ARE THE EXCLUSIVE PROPERTY OF QUIKTRIP CORPORATION, TULSA, OKLAHOMA. THESE PATENTS ARE PROTECTED BY THEIR OWNERSHIP BY DOMESTIC AND INTERNATIONAL COPYRIGHT AND PATENT STATUTES. ANY UNAUTHORIZED USE, REPRODUCTION, PUBLICATION, DISTRIBUTION OR SALE IN WHOLE OR IN PART, IS STRICTLY PROHIBITED.	<table border="1"> <thead> <tr> <th>NO.</th> <th>FINISH</th> <th>MANUFACTURER</th> <th>SPECIFICATION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>INTERIORS</td> <td>INTERSTATE BRICK</td> <td>INTERSTATE BRICK</td> </tr> <tr> <td>2</td> <td>EXTERIORS</td> <td>INTERSTATE BRICK</td> <td>INTERSTATE BRICK</td> </tr> <tr> <td>3</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>4</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>5</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>6</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>7</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>8</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>9</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>10</td> <td>GLASS</td> <td>GLASS</td> <td>GLASS</td> </tr> <tr> <td>11</td> <td>GLASS</td> 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BFTI-0535 Date: 12.16.16 By:TRC



**QuikTrip.**

**Store 0535 Des Moines, IA**

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