

ITEM NO. 3C SPECIAL USE PERMIT FOR GAS & FUEL SALES; 3900 W 24TH PLACE (SLD)

SUP-7-4-11: Consider a Special Use Permit for Gas and Fuel Sales and Cleaning (car wash), also known as a convenience store, on approximately 2.73 acres of vacant property located at 3900 W 24th Place. Submitted by Landplan Engineering, for Corporate Holdings II, LLC, property owner of record, and Hy-Vee, Inc. as contract purchaser.

STAFF PRESENTATION

Ms. Sandra Day presented the item. She showed the applicants proposed full access visual on the overhead.

Mr. Shoeb Uddin, City Engineer, said based on the Traffic Impact Study and staff analysis, access could be located 250' away from the intersection. He suggested options of right-in only access, right-in/right-out, or left-out. He said the applicant proposed a left turn in with a dedicated left turn lane. He said the applicant proposed full access, which could be acceptable if it met certain conditions.

APPLICANT PRESENTATION

Mr. Matt Gough, Barber Emerson Law Firm, requested full access and showed a visual on the overhead. He said the applicant was hesitant about accepting a condition agreeing to pay for road changes in the future. He said the applicant was willing to pay for road improvements now but did not feel they should pay for future improvements.

PUBLIC HEARING

Mr. Greg Thomas said he was not opposed to the project but was concerned about egress and ingress off of Crossgate.

Commissioner Hird asked Mr. Thomas what he thought about a northbound left turn lane and widening the east side of the road.

Mr. Thomas expressed concern about increased traffic congestion. He said the roundabout was not working and something needed to be done.

APPLICANT CLOSING COMMENT

Mr. Gough thanked Planning Commission for their time and said access for the location was important.

COMMISSION DISCUSSION

Commissioner Hird asked if the northbound lane on Crossgate was currently one lane or two.

Mr. Uddin said it was one wide lane, approximately 13-16' wide.

Mr. McCullough said without the turn lane the car stops to make the turn and traffic backs up.

Mr. Mehrdad Givechi, traffic engineer for the applicant, explained using the overhead visual to illustrate how the turns would work.

Commissioner Britton inquired about truck traffic.

Mr. Givechi showed the truck path on the overhead. He said the driveway location may need a wider radius.

Commissioner Britton inquired about truck traffic coming out cutting across southbound traffic on Crossgate.

Mr. Uddin said it was difficult for larger trucks to make those movements and the roadway could not be built large enough for them to make turns easily.

Mr. Givechi said the trucks would be accessing the site at off-peak hours.

ACTION TAKEN

Motioned by Commissioner Liese, seconded by Commissioner Britton, to approve the Special Use Permit for Gas and Fuel Sales and Cleaning (Car Wash) at 3900 W 29th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the conditions included on the staff report, modifying condition 2 to allow full access in accordance with the applicants concept.

Mr. McCullough inquired about the proposed condition for an agreement that would put the cost of any future improvements, to address potential concerns, on the applicant. He said that condition came up after the staff report.

Mr. Uddin said even though staff agreed to full access there was always the possibility there could be problems with traffic movements and if that happened improvements may need to be made. It would protect the city in the long run.

Commissioner Liese said he would withdraw his motion until they discussed it further. He asked how often it was put upon a business to pay for those types of improvements.

Mr. McCullough gave the example of Dillons on Massachusetts Street that was paying for a number of public improvements. He said this particular use would create potential conflict points. While staff accepts the full access, there would be no concern if it was restricted to right-in/right-out. He said full access could create concern in the future.

Commissioner Hird asked if Planning Commission passed this with full access, without the added condition of the applicant paying for future improvements, could City Commission add that condition.

Mr. McCullough said yes.

Commissioner Finkeldei was not comfortable coming up with language for a futuristic possibility. He recommended forwarding to City Commission without that provision and allow staff and the applicant work on that to present to City Commission.

Commissioner Belt said this project might encourage more pedestrian traffic and he expressed concern about it being more difficult for pedestrian and bicycle traffic. He felt a condition for future improvements would not be unreasonable.

Mr. Uddin said in similar situations the City has asked the applicant to sign not to protest a benefit district for geometric improvements. He said that would be less of a 'blank check' because then other property owners and the City become a part of it.

Commissioner Britton said it was a good idea to preserve the most flexibility for City Commission to hash that out in the future. He did not think it would be much of an issue given how confident Hy-Vee was in the safety of the traffic plan so they should be equally as confident there would not be any kind of cost down the road to change anything. He said he would support a motion that included that condition.

Motioned by Commissioner Liese, seconded by Commissioner Finkeldei, to approve the Special Use Permit for Gas and Fuel Sales and Cleaning (Car Wash) at 3900 W 29th Place and forwarding the request to the City Commission with a recommendation of approval, subject to the conditions included on the staff report, modifying condition 2 to allow full access in accordance with the applicants concept, and City Commission take up the question of a contingency plan for future traffic issues.

1. Applicant shall submit the following additional documents to the Planning Office for review and approval prior to release of the Special Use Permit for issuance of a building permit:

- a. Photometric plan per Section 20-1103 of the Development Code.
 - b. Building elevations compliant with the Commercial Design Guidelines.
- ~~2. Provision of a revised drawing to show 3/4 access if approved by the City Commission~~
- Prior to release of the Special Use Permit for issuance of a building permit the applicant shall provide a revised site plan to include the following changes:
- a. Provision of a note that lists the corresponding deed book and page reference for documents recorded addressing maintenance of the shared drive and trash dumpster.
 - b. Provision of a note that states: *"Any undeveloped areas shall be planted with shrubs or ground cover per Section 20-1006 (b) of the Development Code."*
 - c. Provision of a note that states: *"Lot 1 and Lot 2 as shown on the site plan are owned by same corporation. Owner has agreed, as a condition of approval, to plant street trees for Lots 1 and 2 upon initial development of Lot 1 and also to complete the perimeter sidewalk along W 24th Place along Lot 2 at the time of constructing it for Lot 1."*
 - d. Provision of a revised General Note 8 to include reference to Section 20-1103 and to state: *"A photometric plan shall be submitted for review and approval prior to issuance of a building permit for Lot 2."*
 - e. Provision of a note that states: *"The City Engineer has approved reduced access spacing from the signalized intersection of Crossgate Drive with Clinton Parkway and reduced access spacing from a non-signalized intersection of Crossgate Drive with W 24th Place."*
3. Provision of a revised drawing to show the required stormwater changes per the City Stormwater Engineer's approval to include:
- a. Verify the floodway and floodplain limits shown on the Special Use Permit. There seems to be a discrepancy between those show and those on the August 5, 2010 FIRM. Show the Water Surface Elevation of the Base Flood as determined by the Flood Insurance Study.
 - b. Revise the date in *General Note #14* to read August 5, 2010.
 - c. Flare the entrance to the 4' wide concrete flume at the curb line. If possible move the flume south of its proposed location to capture runoff from the driveway of Lot. Construct the flume and corresponding riprap to run perpendicular to the stream bank. Regrade the low area to drain so that the existing 24" CMP can be removed.
 - d. Per City Code Chapter IX Article 9-903(B), a stormwater pollution prevention plan (SWP3) must be provided for this project. This project will not be released for building permits until an approved SWP3 has been obtained. Construction activity, including soil disturbance or removal of vegetation shall not commence until an approved SWP3 has been obtained.
 - e. Show minimum floor elevations for lots adjacent to all drainage easements.
 - f. The Curb and gutter section shall be separated from the approach, with expansion joint material at driveway returns

Unanimously approved 9-0.