



Roll Call Number

Agenda Item Number

19

Date October 12, 2015

RECEIVE AND FILE COMMUNICATION FROM THE PLAN AND ZONING COMMISSION REGARDING REQUEST FROM QUIK TRIP CORPORATION FOR VACATION OF AN IRREGULAR PARCEL OF RIGHT-OF-WAY ADJOINING 1930 INDIANOLA AVENUE AND 1941 SOUTH UNION STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 1, 2015, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (purchaser), represented by Benjamin Bruner (agent), to vacate an irregular parcel of right-of-way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property located at 1930 Indianola Avenue and 1941 South Union Street, subject to the reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

MOVED by _____ to receive and file the attached communication from the Plan and Zoning Commission, and refer to the Engineering Department, Real Estate Division.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank
Assistant City Attorney

(11-2015-1.17)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	

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.

Mayor

City Clerk

Agenda Item 19

Roll Call # _____

October 8, 2015

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 October 1, 2015, the following action was taken regarding a request from Quik Trip Corporation (purchaser) represented by Benjamin Bruner (agent) for vacation of an irregular parcel of Right-of-Way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property located at 1930 Indianola Avenue and 1941 South Union Street.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 9-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Dory Briles				X
JoAnne Corigliano				X
Jacqueline Easley	X			
Tim Fitzgerald	X			
Jann Freed	X			
John "Jack" Hilmes	X			
Greg Jones	X			
Sasha Kamper	X			
Brian Millard	X			
William Page				X
Jonathan Rosenbloom				X
Mike Simonson	X			
CJ Stephens				X
Greg Wattier	X			

APPROVAL of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.
(11-2015-1.17)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Staff recommends approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Written Responses

- 1 In Favor
- 1 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. Purpose of Request: The applicant is proposing to combine the subject right-of-way with the properties to the south to allow the development of a Quik Trip convenience store with fuel sales. The right-of-way is excess land left over from the reconstruction of Indianola Avenue.

The development of a convenience store will fuel sale will be subject to compliance with the City’s Gas Station/Convenience Store Site Plan Design Guidelines (Sec. 82-214.8) as approved by the Plan and Zoning Commission.

2. Size of Site: 28,219 square feet or 0.648 acres.

3. Existing Zoning (site): “C-1” Neighborhood Retail Commercial District, “C-2” General Retail and Highway Oriented Commercial District, “FSO” Freestanding Sign Overlay District, and “GGP” Gambling Games Prohibition District.

4. Existing Land Use (site): Turf covered open space and access drive to the adjoining property.

5. Adjacent Land Use and Zoning:

North – “C-1”. Uses are St. Anthony’s Church and Columbus Park.

East – “C-1”. Use is Columbus Park.

South – “C-1” & “C-2”. Uses are a single-family dwelling and an auto repair building.

West – “C-1” & “R-3”, Uses are a vacant lot and St. Anthony’s Church.

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

7. Applicable Recognized Neighborhood(s): The subject property is located in the McKinley School/Columbus Park Neighborhood and in the Indianola Hills Neighborhood. The neighborhood associations were notified of the meeting by mailing of the Preliminary Agenda to all recognized neighborhood associations on September 11, 2015 and by mailing of the Final Agenda on September 25, 2015. Additionally, separate notifications of the hearing for this specific item were mailed on September 21, 2015 (10 days prior to the original public hearing) to the neighborhood associations and

to the primary titleholder on file with the Polk County Assessor for each property adjacent to the requested right-of-way.

All agendas and notices are mailed to the primary contact(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The McKinley School/Columbus Park Neighborhood Association notices were mailed to Jim Post, 224 E. Livingston Avenue, Des Moines, IA 50315. The Indianola Hills Neighborhood Association notices were mailed to Libbie Willert, 626 Pleasant View Drive, Des Moines, IA 50315.

8. Relevant Zoning History: None.

9. 2020 Community Character Land Use Plan Designation: Commercial: Pedestrian-Oriented Commercial Corridor.

10. Applicable Regulations: The Commission, considering the criteria set forth in Chapter 18B of the Iowa Code, reviews all proposals to vacate land dedicated for a specific public purpose, such as for streets and parks, to determine whether the land is still needed for such purpose or may be released (vacated) for other use. The recommendation of the Commission is forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

- 1. Utilities:** The subject right-of-way contains water, sanitary sewer and storm sewer lines. Easements must be reserved for any existing utilities until such time that they are abandoned or relocated.
- 2. Street System/Access:** The subject right-of-way is excess land leftover from the Indianola Avenue road project and the realignment of the intersection with Indianola Road and SE 1st Street. The proposed vacation would not impact the paved road system and would have negligible impact on traffic in the area.

SUMMARY OF DISCUSSION

Jason Van Essen presented the staff report and recommendation.

Sasha Kamper asked if there have been any talk about development to the south, if so what would be developed.

Jason Van Essen stated yes, a Quik Trip Convenience Store. They are actually the applicant. It was also noted in the staff report that the development of a convenience store at this site would be subject to compliance with the City's convenience store fuel sales design guidelines. A site plan then would come back to the Commission for their review and approval.

Jacqueline Easley asked would that be impacted by St. Anthony School.

Jason Van Essen stated there are separation requirements from a school for business selling beer, wine and/or liquor. Staff would evaluate that during consideration of a Conditional Use Permit.

Mike Ludwig stated they would have to go to the Zoning Board of Adjustment for a Conditional Use Permit.

Ben Bruner on behalf of Quik Trip stated the reason he requested this item be heard is because they are dealing with the adjacent landowner. All of the adjacent parcels are under contract. But one of the landowners, Stratford Holdings which is directly south of the City's parcel has some reservation as to the stipulations or conditions upon the right-of-way. They are trying to be a good neighbor and assure them that the right-of-way will not be vacated unless their parcel is closed upon.

Mike Ludwig stated the Commission's role tonight is to determine whether or not the right-of-way is necessary for a public purpose. The City Council will hold a hearing on the actual vacation and convenience of the right-of-way. If the Commission wants to place conditions on this action they can.

CHAIRPERSON OPENED THE PUBLIC HEARING

There was no one to speak in favor or in opposition of the applicant's request.

CHAIRPERSON CLOSED THE PUBLIC HEARING

COMMISSION ACTION:

Mike Simonson moved staff recommendation for approval of the requested vacation subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated.

Motion passed 9-0.

Respectfully submitted,



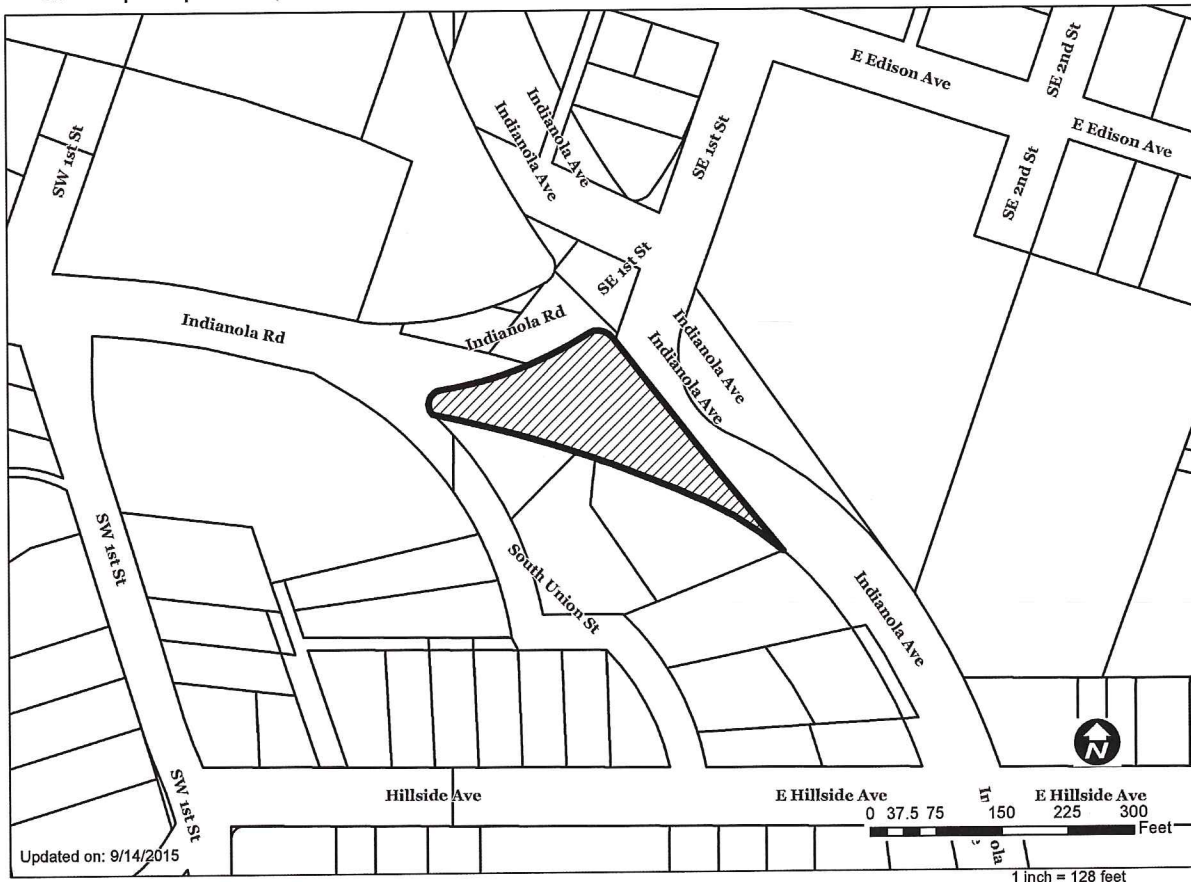
Michael Ludwig, AICP
Planning Administrator

MGL:clw
Attachment

Request from Quik Trip Corporation (purchaser) represented by Benjamin Bruner (agent) for vacation of an irregular parcel of Right-of-Way adjoining property located at 1930 Indianola Avenue and 1941 South Union Street.				File #	
				11-2015-1.17	
Description of Action	Approval of the requested vacation of an irregular parcel of Right-of-Way at the southwest corner of the intersection of Indianola Avenue and Indianola Road, adjoining property located at 1930 Indianola Avenue and 1941 South Union Street subject to reservation of any necessary easements for all existing utilities in place until such time that they are abandoned or are relocated..				
2020 Community Character Plan	Commercial: Pedestrian-Oriented Commercial Corridor.				
Mobilizing Tomorrow Transportation Plan	Indianola Road widening from 2 lanes to 3 lanes (2035-2050).				
Current Zoning District	"C-1" Neighborhood Retail Commercial District, "C-2" General Retail and Highway-Oriented Commercial District and "FSO" Freestanding Signs Overlay District.				
Proposed Zoning District	NA.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area	1	1			
Outside Area					
Plan and Zoning Commission Action	Approval	9-0	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

Quik Trip Corporation, 1930 Indianola Avenue

11-2015-1.17



Item 11-2015-1.17 Date 9/25/15

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

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

SEP 28 2015

Print Name GREGORY E. PETERSON

Signature Gregory Peterson

Address 16 INDIANOLA Rd.

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

Obstructs PROPERTY - CREATES TRAFFIC
DILEMMA - CONGREGATES public.
SELLS ALCOHOL

Item 11-2015-1.17 Date Sept 25, 15

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

(Circle One)

RECEIVED

COMMUNITY DEVELOPMENT

SEP 28 2015

Print Name Rev. Frank Chiolo

Signature Frank Chiolo

Address 15 Julian Rd

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

A long time li coming!
welcme!

