



Date December 21, 2015

RESOLUTION SCHEDULING PUBLIC HEARING ON APPEAL BY QUIKTRIP CORPORATION (PURCHASER) REPRESENTED BY MATT BROOKS (OFFICER), SEEKING APPROVAL OF A SITE PLAN TITLED "QUIKTRIP NO. 0526" UNDER DESIGN GUIDELINES FOR GAS STATIONS/CONVENIENCE STORES, FOR PROPERTY LOCATED AT 1200 KEOSAUQUA WAY AND 1201 CENTER STREET

WHEREAS, on November 19, 2015, the City Plan and Zoning Commission voted to deny an application by QuikTrip Corporation (purchaser) represented by Matt Brooks (officer), for approval of a Site Plan titled "QuikTrip No. 0526" under design guidelines for gas stations/convenience stores, on property located at 1200 Keosauqua Way and 1201 Center Street, to allow development of a 5,773-sqaure foot convenience store with a pump island canopy for 12 fueling locations; and,

WHEREAS, QuikTrip has timely appealed to the City Council pursuant to §82-210 of the Des Moines Municipal Code, seeking to have the Commission's decision reversed.

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

- 1. The City Council shall consider the appeal by QuikTrip at a public hearing to be held on January 11, 2016, at 5:00 p.m., in the Council Chambers.
2. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached all in accordance with §362.3 of the Iowa Code.

MOVED by _____ to adopt.

FORM APPROVED:

[Signature of Roger K. Brown]

Roger K. Brown, Assistant City Attorney

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Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include 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



DICKINSONLAW
Dickinson Mackaman Tyler & Hagen P.C.

21
Benjamin D. Bruner
(515) 246-4510
bbruner@dickinsonlaw.com

December 4, 2015

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

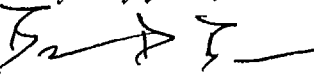
**Re: Appeal of November 19, 2015 Planning and Zoning Commission Denial Decision (QuikTrip Corporation - ROW Vacation and Site Plan Approval related to 1200 Keosauqua Way, Des Moines, IA)
Our File No.: 2015-4577**

Dear City Clerk:

At a meeting on November 19, 2015, the Des Moines Planning and Zoning Commission denied a request from QuikTrip Corporation for: 1) the vacation of a right-of-way of a segment of Center Street; and 2) the approval of a Site Plan "QuikTrip No. 0526" for the development of a convenience store at 1200 Keosauqua Way. A copy of the November 19, 2015 meeting agenda is attached hereto for reference and the agenda item noted therein is Item #5B. This letter shall serve as formal written appeal of said Planning and Zoning Commission decision and as further notice of the same and 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. The undersigned would request that the appeal hearing be scheduled on or after January 11, 2016.

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

Document2