



Date January 11, 2016

**RESOLUTION CLOSING HEARING ON APPEAL BY QUIKTRIP CORPORATION
SEEKING APPROVAL OF A SITE PLAN FOR A CONVENIENCE STORE AT 1200
KEOSAUQUA WAY AND 1201 CENTER STREET, AND CONDITIONALLY
APPROVING SAME**

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.

WHEREAS, on December 21, 2015, by Roll Call No. 15-2119, the City Council scheduled a public hearing on the appeal, to be held on January 11, 2016, at 5:00 p.m., in the Council Chambers; and,

WHEREAS, notice of the hearing has been provided to the applicant's representative, and published in the Des Moines Register on December 31, 2015; and,

WHEREAS, all persons appearing at the hearing and desiring to be heard regarding the said appeal have been given the opportunity to be heard.

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

1. The public hearing on the appeal by QuikTrip Corporation is hereby closed.
2. The City Council hereby makes the following findings of fact:
 - a) The Downtown Overlay District Design Guidelines which identify that the site should be redeveloped with a 3-story building set at the right-of-way line are inconsistent with the existing character of the immediate area, which is characterized by one and two story buildings with a setback from the street.
 - b) There are two auto-oriented convenience stores (Git-N-Go and Kum & Go) already existing directly northwest of this site along the Keosauqua Way corridor.
 - c) Subject to compliance with the conditions identified below, the redevelopment of the site with a QuikTrip convenience store in substantial conformance with the proposed site plan would be consistent with the character of the immediate area, would mitigate

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the existing traffic concerns with 12th Street and the intersection with Keosauqua Way, and would be a substantial improvement over the existing use of the site.

3. The appeal by QuikTrip Corporation is hereby conditionally granted and the site plan titled "QuikTrip No. 0526" is hereby conditionally approved including the existing building placement and height. The approval hereby granted is subject to:
 - a) Compliance with the standard engineering and Building Code requirements;
 - b) Conforming to the applicable landscape standards.
 - c) Resolving the issues with traffic flow and access onto 12th Street and the intersection of 12th Street and Keosauqua Way, including appropriate cost sharing on the study, design and construction of any necessary traffic improvements by QuikTrip Corporation and UnityPoint Health, to the reasonable satisfaction of the City Council.

4. The proposed vacation of a segment of Center Street adjoining the site is hereby referred to the Engineering Department, Real Estate Division for further processing, subject to satisfaction of the conditions identified in paragraph 3, above.

(Council Communication No. 16- **022**)

MOVED by _____ to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown, Assistant City Attorney

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