



Date September 26, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED AT
6305 SOUTHWEST 9TH STREET**

WHEREAS, on September 12, 2016, by Roll Call No. 16-1515, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 18, 2016, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request by Quik Trip Corporation (purchaser), represented by Mike Talcott (officer), to rezone property located at 6305 Southwest 9th Street ("Property") and owned by Hurd Quality, LLC, from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented District, to allow for incorporation into the existing convenience store site to the west; and

WHEREAS, on September 12, 2016, by Roll Call No. 16-1515, it was duly resolved by the City Council that the application of Quik Trip Corporation to rezone the Property, as legally described below, be set down for hearing on September 26, 2016 at 5:00 p.m. in the Council Chambers at the Municipal Service Center (MSC); and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 6305 Southwest 9th Street, legally described as:

Lots 1 and 18, Block 5 of PORTER'S REPLAT, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented District to allow for incorporation into the existing convenience store site to the west.

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

1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "C-2" General Retail and Highway Oriented District are hereby overruled, and the hearing is closed.

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Date September 27, 2016

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- The proposed rezoning of the Property to "C-2" General Retail and Highway Oriented District is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:


 Glenna K. Frank, Assistant City Attorney

(ZON2016-00138)

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

MOTION CARRIED APPROVED

 Mayor

CERTIFICATE

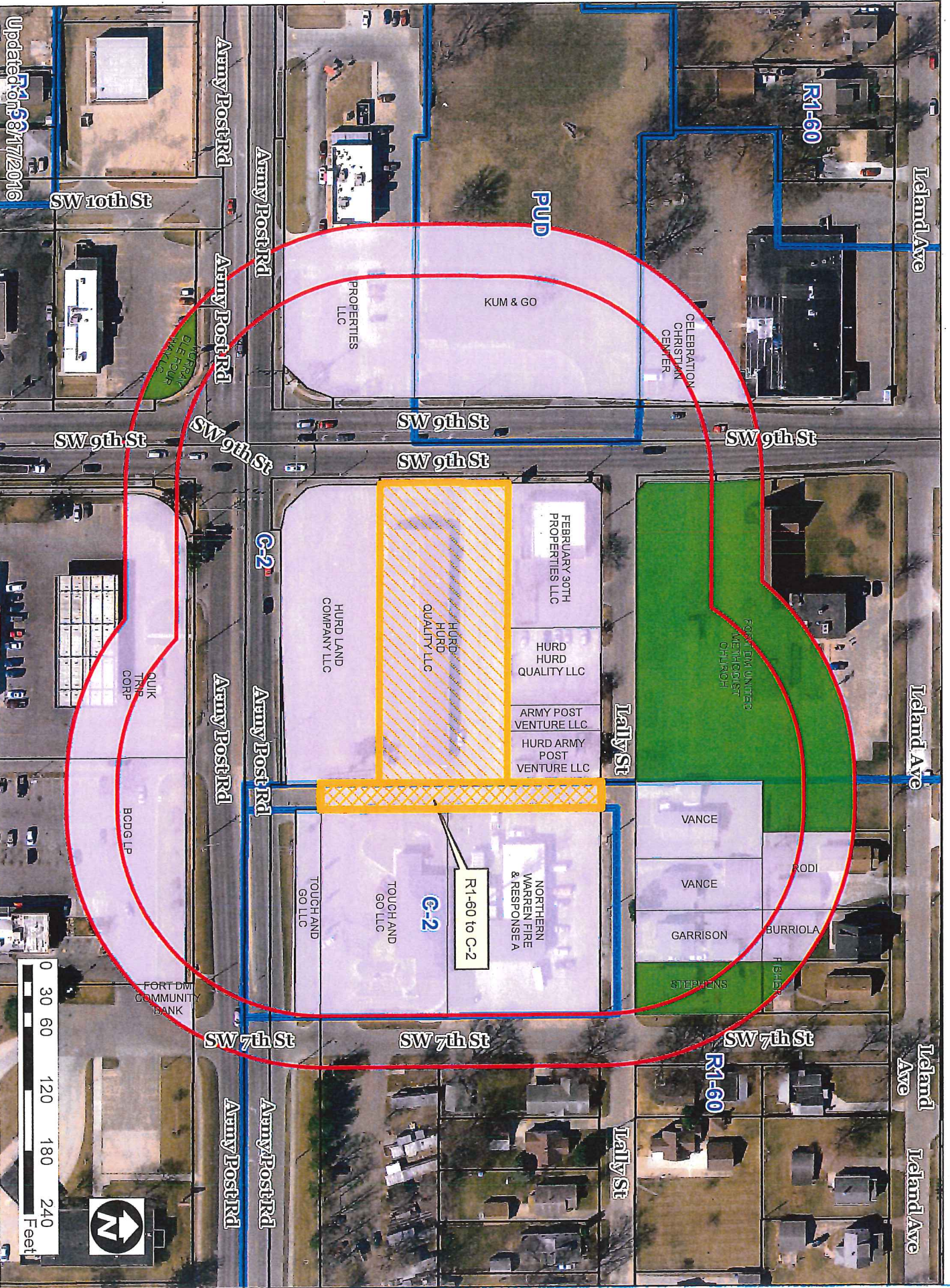
I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

 City Clerk

Quik Trip Corporation, 6305 Southwest 9th Street

ZON2016-00138



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August 30, 2016

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 August 18, 2016, the following action was taken regarding a request from Quik Trip Corporation (purchaser) represented by Mike Talcott (officer) to rezone property located at 6305 Southwest 9th Street. The subject property is owned by Hurd Quality, LLC.

COMMISSION RECOMMENDATION:

After public hearing, the members voted 10-0 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
Carolyn Jenison	X			
Greg Jones	X			
William Page				X
Mike Simonson	X			
CJ Stephens	X			
Steve Wallace	X			
Greg Wattier	X			

APPROVAL of staff recommendation Part A) that the proposed rezoning be found in conformance with the existing PlanDSM future land use designation of Commercial Mixed-Use and Community Node and approval of Part B) the request rezoning to "C-2" General Retail and Highway-Oriented Commercial District. (ZON2016-00138)

STAFF RECOMMENDATION TO THE P&Z COMMISSION

Part A) Staff recommends that the proposed rezoning be found in conformance with the existing PlanDSM future land use designation of Commercial Mixed-Use and Community Node.

Part B) Staff recommends approval of the request rezoning to “C-2” General Retail and Highway-Oriented Commercial District.

Written Responses

6 In Favor

0 In Opposition

STAFF REPORT TO THE PLANNING COMMISSION

I. GENERAL INFORMATION

1. **Purpose of Request:** The applicant is seeking to bring their overall site under the same zoning district to allow redevelopment for a gas station and convenience store use. Specifically it would allow the placement of a proposed refuse collection enclosure that would be conflicting with the required “R” District protection setbacks in the Zoning Ordinance.
2. **Size of Site:** 25-foot by 275-foot (6,875 square feet).
3. **Existing Zoning (site):** “R1-60” One-Family Low-Density Residential District and “FSO” Freestanding Sign Overlay District.
4. **Existing Land Use (site):** The subject property is paved as a driveway outlet to both Army Post Road and Lally Street.
5. **Adjacent Land Use and Zoning:**
 - East** – Limited “C-2”; Uses are fire station and car wash.
 - West** – “C-2”; Uses are vacant land and a single-family dwelling.
 - North** - “R1-60”; Use is a single-family dwelling.
 - South** - “C-2”; Use is Quik Trip gas station/convenience store.
6. **General Neighborhood/Area Land Uses:** The subject property is located in an area that is at the major intersection of Army Post Road and Southwest 9th Street corridors. There is primarily low density residential to the northeast and highway-oriented commercial to the north, west, south and more directly east.

7. Applicable Recognized Neighborhood(s): The subject property is located in the Ft. Des Moines Neighborhood and within 250 feet of the Watrous South Neighborhood. The neighborhoods were notified of the Commission meeting by mailing of the Preliminary Agenda on July 29, 2016. A Final Agenda was mailed to the neighborhood association on August 12, 2016. Additionally, separate notifications of the hearing were mailed on July 29, 2016 (20 days prior to the hearing) and on August 8, 2016 (10 days prior to the hearing) to the Ft. Des Moines Neighborhood Association, the Watrous South Neighborhood 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(s) designated by the recognized neighborhood association to the City of Des Moines Neighborhood Development Division. The Ft. Des Moines Neighborhood Association notices were mailed to Scott Durham, 301 East Kenyon Avenue, Des Moines, IA 50315. The Watrous South Neighborhood notices were sent to James Spiller, PO Box 35845, Des Moines, IA 50315.

The applicant is required to conduct a neighborhood meeting and will be available to provide a summary at the hearing.

8. Relevant Zoning History: On June 2, 2016, the Plan and Zoning Commission approved a Site Plan for redevelopment of the property for a 5,858-square foot convenience store building and fuel pump island with 14 fueling locations. This was subject to relocating a refuse collection enclosure which encroached in the subject property to a location that met the "R" District protection setback.

9. PlanDSM Land Use Plan Designation: Community Mixed Use within a Community Node.

10. Applicable Regulations: The Commission reviews all proposals to amend zoning boundaries or regulations within the City of Des Moines. Such amendments must be in conformance with the comprehensive plan for the City and designed to meet the criteria in 414.3 of the Iowa Code, and taking into consideration the criteria set forth in Chapter 18B of the Iowa Code. The Commission may make recommendations to the City Council on conditions to be made in addition to the existing regulations so long as the subject property owner agrees to them in writing. The recommendation of the Commission will be forwarded to the City Council.

II. ADDITIONAL APPLICABLE INFORMATION

1. PlanDSM Creating Our Tomorrow: The subject property is designated Community Mixed Use within a Community Node. This site differs in character from the proposed store site at East 15th Street and East Grand Avenue, which is in a Neighborhood Node, in that it is an area along Army Post Road that is more auto-dominated in its character. It also does not directly abut any existing pedestrian-oriented commercial development.

- 2. Additional Information:** The proposed rezoning eliminates a narrow 25-foot strip of land zoned "R1-60" One-Family Low-Density Residential that remained between the applicants commercial redevelopment site and the property to the east after it was rezoned to a Limited "C-2" General Retail and Highway-Oriented Commercial District on January 22, 2007.

SUMMARY OF DISCUSSION

Greg Jones asked if anyone was present to speak on this item. None were present or requested to speak.

COMMISSION ACTION:

Jann Freed moved staff recommendation for approval of Part A) that the proposed rezoning be found in conformance with the existing PlanDSM future land use designation of Commercial Mixed-Use and Community Node and approval of Part B) the request rezoning to "C-2" General Retail and Highway-Oriented Commercial District.

Motion carried 10-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

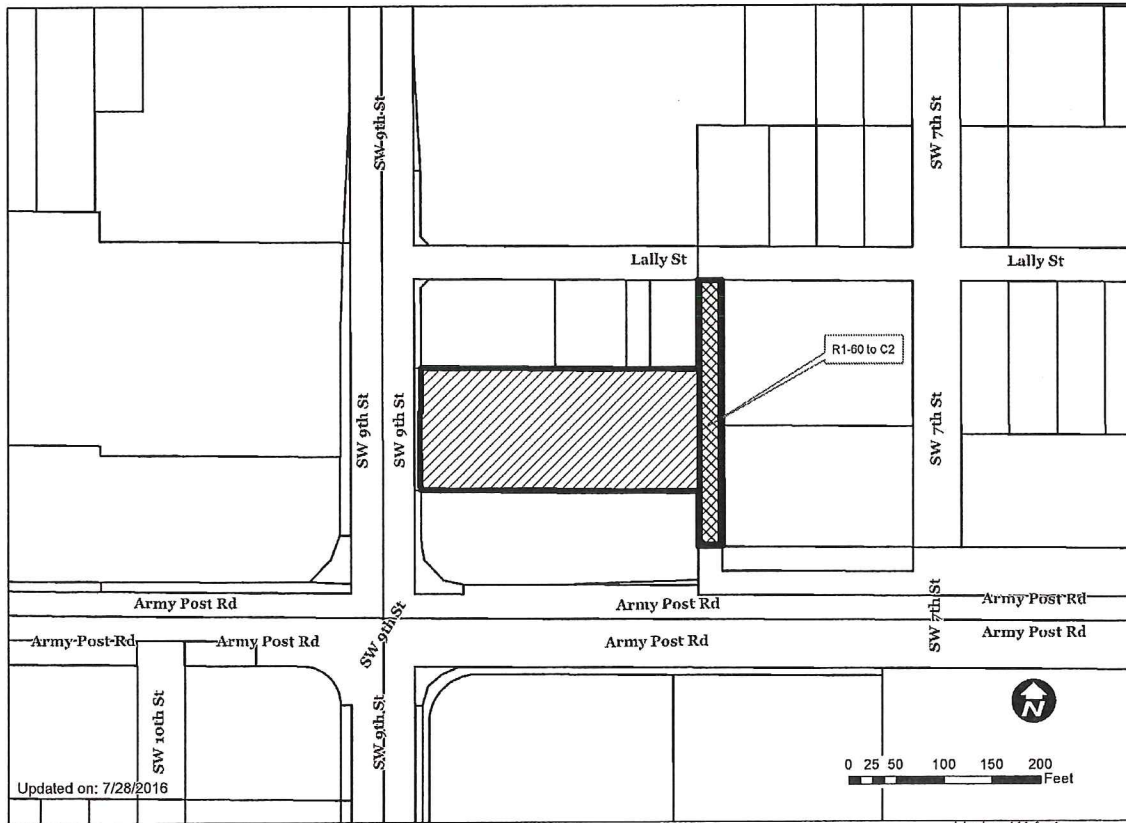
MGL:clw

Attachment

Quik Trip Corporation (purchaser) represented by Mike Talcott (officer) for property at 6305 Southwest 9th Street. The subject property is owned by Hurd Quality, LLC.				File # ZON2016-00138	
Description of Action		Approval of the requested rezoning on property from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented District, to allow for incorporation into the existing convenience store site to the west.			
Plan/DSM Future Land Use		Current: Community Mixed Use. Proposed: N/A.			
Mobilizing Tomorrow Transportation Plan		No planned improvements.			
Current Zoning District		"R1-60" One-Family Low-Density Residential District and "FSO" Freestanding Signs Overlay District.			
Proposed Zoning District		"C-2" General Retail and Highway Oriented District.			
Consent Card Responses		In Favor	Not In Favor	Undetermined	% Opposition
Inside Area		6			
Outside Area					
Plan and Zoning Commission Action		Approval	10-0	Required 6/7 Vote of the City Council	
		Denial		Yes	
				No	X

Quik Trip Corporation, 6305 Southwest 9th Street

ZON2016-00138



1 Inch = 111 feet

ZON2016-00138

Item (am) (am not) in favor of the request.
Date 8-12-14

COMMUNITY DEVELOPMENT
(Circle One)

AUG 12 2016

DEPARTMENT

Address 801 Wally

Signature Thomas A. Stephens

Print Name Thomas A. Stephens

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

would like a 4 way stop at 30th & Wally
to regulate additional traffic exiting
from the new OT.

Item (am) (am not) in favor of the request.
Date 8-11-16

ZON2016-00138

RECEIVED

COMMUNITY DEVELOPMENT
(Circle One)

AUG 11 2016

DEPARTMENT

Address 700 Leonard

Signature Debra Fisher

Print Name Debra Fisher

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

ZON2016-00138

Item (am) (am not) in favor of the request.
Date 8-11-2016

COMMUNITY DEVELOPMENT
(Circle One)

AUG 11 2016

DEPARTMENT

Print Name

Signature

Address 5007 DUNBAR
301 E. KENYON AVE

FOOT DESIGNERS NICHOLAS
ASSOCIATES

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

Four horizontal lines for handwritten notes.

ZON2016-00138

Item _____ Date 8/13/16

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

(Circle One)
RECEIVED
COMMUNITY DEVELOPMENT

Print Name Watkins South N.A.

Signature [Signature]

AUG 16 2016

Address VP WJNA

DEPARTMENT

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

ZON2016-00138

Item _____ Date 8-10-16

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

(Circle One)

AUG 10 2016

DEPARTMENT

Print Name Community Bank
Scott Taylor

Signature Community Bank by Scott Taylor

Address 612 Army Post Rd Branch Mgr

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

ZON2016-00138

Item ZON2016-00138

Date 8/12/16

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

AUG 13 2016

DEPARTMENT

Print Name DIE FOR WAY E.C. - Chris Murray
Signature [Signature]
Address 24156 TOWN DR #17

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

