



Date October 10, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED AT
1515 EAST GRAND AVENUE AND 1522 CAPITOL AVENUE**

WHEREAS, on September 26, 2016, by Roll Call No. 16-1610, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 15, 2016, its members voted 7-4 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 1522 Capitol Avenue and owned by Quik Trip Corporation from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District, and to rezone property located at 1515 East Grand Avenue from Limited "C-2" General Retail and Highway-Oriented Commercial District to amended Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow for replacement of the existing convenience store with the new Quik Trip store prototype and to revise existing conditions upon the property (collectively known as "Property"), subject to the following conditions:

1. The public alley within the Property shall not be truncated and shall be connected to Capitol Avenue; and
2. The applicant shall work with City staff to create an urban edge for the north streetscape (Grand Avenue frontage), to the approval of the Planning Administrator; 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 locally known as 1522 Capitol Avenue and 1515 East Grand Avenue, legally described as:

East 40 feet of Lot 4 and all of Lots 5 and 6, Block 45 STEWART'S ADDITON, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow for replacement of the existing convenience store with the new Quik Trip store prototype and to revise the existing conditions upon the Property, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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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 Limited "C-2" General Retail and Highway Oriented Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-2" General Retail and Highway Oriented Commercial District with conditions as set forth above, 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
Glenna K. Frank, Assistant City Attorney

(ZON2016-00100)

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