



Roll Call Number

14-0318

Agenda Item Number

47B

Date February 24, 2014

HEARING ON APPLICATION OF QUIKTRIP CORPORATION TO REZONE PROPERTY IN THE VICINITY OF 2930, 2934 AND 2936 WALKER STREET FROM THE "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO A LIMITED "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT CLASSIFICATION AND APPROVING SAME

WHEREAS, on February 10, 2014, by Roll Call No. 14-0242, it was duly resolved by the City Council that the application of QuikTrip Corporation, represented by Matt Brooks, officer, to rezone property owned by Hurd Investments, LLC, and located in the vicinity of 2930, 2934 and 2936 Walker Street, more fully described below, be set down for hearing on February 24, 2014, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on February 13, 2014, 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 following described property:

Lots 18, 19, 20 and 21 in Block 7, FARWELL PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R1-60" One-Family Low-Density Residential District to a Limited "C-2" General Retail and Highway-Oriented Commercial District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- (1) The following uses of structures and land shall be prohibited on the Property:
  - a) adult entertainment businesses,
  - b) delayed deposit services,
  - c) off-premises advertising signs,
  - d) pawnbrokers,
  - e) taverns and nightclubs, and,
  - f) automobile, trailer, motorcycle, boat, and farm implement establishments for display, hire, rental, and sales (including vehicle display lots).

★ Roll Call Number  
14.0318

Agenda Item Number  
47B

Date February 24, 2014

-2-

- (2) Any site development is subject to the Floodplain Development Regulations in Chapter 50 of the City Code.

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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-2" District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Voss to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown  
Roger K. Brown  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			
MOTION CARRIED				

T. M. Franklin Cowie  
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.

Diane Rauh

City Clerk