



Roll Call Number

14-1465

Agenda Item Number

21

Date September 22, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM QUIK TRIP CORPORATION (OWNER/LESSEE), REPRESENTED BY MATT BROOKS (OFFICER), TO REZONE PROPERTY LOCATED AT 2428 AND 2426 HUBBELL AVENUE AND 2401 EASTON BOULEVARD FROM "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT, LIMITED "M-1" LIGHT INDUSTRIAL DISTRICT AND "M-1" LIGHT INDUSTRIAL DISTRICT TO LIMITED "C-2" GENERAL RETAIL AND HIGHWAY ORIENTED COMMERCIAL DISTRICT

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on September 4, 2014, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from Quik Trip Corporation (owner/lessee), represented by Matt Brooks (officer), to rezone real property locally known as 2428 and 2426 Hubbell Avenue and 2401 Easton Boulevard ("Property") from "C-1" Neighborhood Retail Commercial District, Limited "M-1" Light Industrial District and "M-1" Light Industrial District to Limited "C-2" General Retail and Highway Oriented Commercial District for redevelopment of the Property with construction of a new gas station/convenience store and pump island canopy, subject to the owner(s) agreeing to the following conditions:

- 1. Prohibition of the following uses upon the Property:
i. Adult entertainment businesses.
ii. Delayed deposit services.
iii. Off-premises advertising signs.
iv. Pawnbrokers.
v. Taverns and nightclubs.
vi. Vehicle display lots.
2. Any structure upon the Property shall be constructed with a design that includes architectural features on all facades of the structure, to the satisfaction of the City's Community Development Department Director; and

WHEREAS, the Property is legally described as follows:

Lots 79, 80, 81, 82, 83, 84, 85, 91, 92, 93, 94 and 95; and all that part of vacated 16-foot alley Right-Of-Way lying between the southeasterly extension of the west line of said Lot 95 and the northwesterly extension of the east lot line of said Lot 85; and all that part of the northwesterly one-half of vacated alley Right-Of-Way lying between the northwesterly extension of the east line of said Lot 85 and the northeasterly extension of the north line of said Lot 91; all in HUBBELL AVENUE ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on October 6, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED by Coleman to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank
Assistant City Attorney

(ZON2014-00131)

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

T. M. Franklin
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