



Roll Call Number

14-1590

Agenda Item Number

35

Date October 6, 2014

RESOLUTION HOLDING 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, on September 22, 2014, by Roll Call No. 14-1465, the City Council received and filed the recommendation from the City Plan and Zoning Commission, by a vote of its members of 13-0, to APPROVE 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 owners 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 faades of the structure, to the satisfaction of the City's Community Development Department Director; and

WHEREAS, on September 22, 2014, by Roll Call No. 14-1465, it was duly resolved by the City Council that the application of Quik Trip Corporation (owner/lessee) to rezone the Property, as legally described below, be set down for hearing on October 6, 2014 at 5:00 P.M., in the Council Chamber at City Hall; 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 2428 and 2426 Hubbell Avenue and 2401 Easton Boulevard, legally described as:

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-2-

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.

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 conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owners of the Property, which is binding upon the owners and each owner's successors, heirs and assigns.

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, the 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 Mahaffey 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 Council 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