

★ Roll Call Number

15-1561

Agenda Item Number

63

Date September 14, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM KUM & GO, LC FOR
AMENDMENT TO THE KUM & GO STORE #120 PUD CONCEPTUAL PLAN ON
PROPERTY LOCATED AT 6304 SOUTHWEST 9TH STREET**

WHEREAS, on July 23, 2012, by Roll Call No. 12-1193, the City Council adopted Ordinance No. 15,122, to rezone real property located in the vicinity of 6304 Southwest 9th Street ("Property") from "C-2" General Retail and Highway Oriented Commercial District and "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District classification for the Kum & Go Store #120 PUD District; and

WHEREAS, on August 24, 2015, by Roll Call No. 15-1433, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 6, 2015, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Kum & Go, LC (owner), represented by Nick Halfhill (officer), for review and approval of the Second Amendment to the Kum & Go Store #120 PUD Conceptual Plan to allow an approved 6,321 square foot convenience store, with 16 fueling locations, to have a reconfigured site layout and a revised store and canopy design to fit the current corporate prototype, subject to revisions set forth in said communication from the Commission; and

WHEREAS, on August 24, 2015, by Roll Call No. 15-1433, it was duly resolved by the City Council that the request from Kum & Go, LC for approval of the Second Amendment to the Kum & Go Store #120 PUD Conceptual Plan for the Property as legally described below, be set down for hearing on September 14, 2015 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 Kum & Go Store #120 PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved Kum & Go Store #120 PUD Conceptual Plan, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council.

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 statements of interested persons and arguments of counsel, any and all objections to the proposed Second Amendment to the Kum & Go Store #120 PUD Conceptual Plan for the Property, locally known as 6304 Southwest 9th Street and legally described as follows, are hereby overruled, and the hearing is closed:

PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 14052 AT PAGE 229 OF LOTS 1, 2, 21, & 22 IN LANGDON PLACE, AN OFFICIAL PLAT, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

(continued)

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2. The proposed Second Amendment to the Kum & Go Store #120 PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by this Roll Call, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2015-00128)

NOTE: Six affirmative votes are required to approve the proposed amendment, due to the written protest against the amendment as signed and submitted by owners of twenty percent or more of the property which is located within 200 feet of the exterior boundaries of the property proposed for change. Des Moines City Code §134-700.

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