



Roll Call Number

16-0427

Agenda Item Number

56B

Date March 7, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED IN THE VICINITY OF
1930 INDIANOLA AVENUE FROM "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT
AND LIMITED "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT
TO "PUD" PLANNED UNIT DEVELOPMENT AND TO APPROVE PUD CONCEPTUAL PLAN**

WHEREAS, on February 22, 2016, by Roll Call No. 16-0276, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 4, 2016, its members voted 9-2 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (purchaser), represented by Mike Talcott (officer), to rezone real property located in the vicinity of 1930 Indianola Avenue ("Property") from "C-1" Neighborhood Retail Commercial District and Limited "C-2" General Retail and Highway-Oriented Commercial District to "PUD" Planned Unit Development to allow the construction of a QuikTrip convenience store with 12 fueling locations, and to approve the proposed PUD Conceptual Plan subject to conditions set forth in the communication from the Commission; and

WHEREAS, the Property is legally described as follows:

1930 INDIANOLA AVE.:

LOTS 8, 9, 10, 11 AND 12 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, EXCEPT THAT PART OF SAID LOTS WHICH IS NOW INCLUDED IN INDIANOLA AVENUE.

1942 INDIANOLA AVE:

LOTS 6 AND 7 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

1941 SOUTH UNION STREET:

LOT 13 IN FIRST PLAT OF CLIFTON HEIGHTS (EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES BY QUIT CLAIM DEED RECORDED IN BOOK 852 AT PAGE 52) AND THAT PART OF LOT 4 LYING SOUTH OF AND ABUTTING INDIANOLA AVENUE OF OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

1954 INDIANOLA AVENUE:

LOT 1 AND THE EAST 1/2 OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 1 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, (EXCEPT PART DEEDED TO CITY OF DES MOINES, AS RECORDED IN BOOK 814, PAGE 290).

&

AN IRREGULAR PART OF LOTS 4 & 5, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, DESCRIBED AS BEGINNING AT A POINT 16.64 FEET WEST OF THE NORTHEAST CORNER OF

(continued)



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LOT 5 THENCE WESTERLY ALONG THE NORTH LINE OF LOT 5 A DISTANCE OF 100 FEET, THENCE SOUTHERLY TO A POINT ON THE SOUTH LINE OF LOT 4 WHICH POINT IS 117.8 FEET WEST OF THE SOUTHEAST CORNER OF LOT 4 THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 4 A DISTANCE OF 100 FEET, THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF LOT 4 WHICH POINT IS 16.83 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4, THENCE CONTINUING NORTH TO THE POINT OF BEGINNING, ALL INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA. PARCELS A AND C OF THE PLAT OF SURVEY FILED NOVEMBER 5, 2003: PARCELS A AND C OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA, ON NOVEMBER 5, 2003 AND RECORDED IN BOOK 10252 PAGE 873, SAID PARCELS BEING A PART OF LOT 4 OF THE OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING PART OF THE SW ¼ OF THE SW ¼ OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING A PART OF THE SE ¼ OF THE SE ¼ OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING PART OF LOTS 8, 9, 10, 11, 12, 13 AND 14 OF FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, on February 22, 2016, by Roll Call No. 16-0276, it was duly resolved by the City Council that the application from Quik Trip Corporation to rezone the Property and approve the proposed “Quik Trip No. 0518” PUD Conceptual Plan for the Property, be set down for hearing on March 7, 2016 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 consideration of the PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed “Quik Trip No. 0518” 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 1930 Indianola Avenue and legally described above.

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 “PUD” Planned Unit Development District, and any objections to the proposed “Quik Trip No. 0518” PUD Conceptual Plan with conditions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.

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2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The proposed "Quik Trip No. 0518" 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 Roll Call No. 16-0276, and subject to the Community Development Director finding that such revisions have been satisfied by corrections to the Plan.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2016-00003)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
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