



Roll Call Number

16-0804

Agenda Item Number

56

Date May 9, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED AT 4021 FLEUR DRIVE FROM
“C-2” GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT TO “PUD”
PLANNED UNIT DEVELOPMENT DISTRICT**

WHEREAS, on April 25, 2016, by Roll Call No. 16-0678, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 7, 2016, its members voted 9-2-1 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 at 4021 Fleur Drive (“Property”) from “C-2” General Retail and Highway-Oriented Commercial District to “PUD” Planned Unit Development District to allow development of a 5,858-square foot convenience store and pump island canopy with 16 fueling locations, and to approve the proposed PUD Conceptual Plan for “Quik Trip No. 0559R”, subject to conditions set forth in the communication from the Commission; and

WHEREAS, the Property is legally described as follows:

THAT PART OF THE NW ¼ OF THE SE ¼ OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 33 FEET SOUTH AND 50 FEET EAST OF THE CENTER OF SAID SECTION; THENCE EAST ALONG THE SOUTH LINE OF WATROUS AVENUE, 490 FEET; THENCE SOUTH AND PARALLEL TO THE EAST LINE OF SOUTHWEST 21ST STREET, 235 FEET; THENCE WEST 490 FEET; THENCE NORTH TO BEGINNING; EXCEPT THAT PART DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS 33 FEET SOUTH AND 50 FEET EAST OF THE CENTER OF SAID SECTION; THENCE SOUTH 120 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF FLEUR DRIVE; THENCE EAST 2.0 FEET; THENCE NORTH 110.0 FEET TO A POINT 2.0 FEET EAST OF SAID RIGHT-OF-WAY LINE; THENCE NORTHEASTERLY TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WATROUS AVENUE WHICH IS 60 FEET EAST OF THE CENTER OF SAID SECTION; THENCE WEST ALONG SAID RIGHT OF WAY LINE 10 FEET TO POINT OF BEGINNING.

WHEREAS, on April 25, 2016, by Roll Call No. 16-0678, it was duly resolved by the City Council that the application from Quik Trip Corporation to rezone the Property and approve the proposed PUD Conceptual Plan for “Quik Trip No. 0559R”, be set down for hearing on May 9, 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 approval of the PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed 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 locally known as 4021 Fleur Drive and legally described above.

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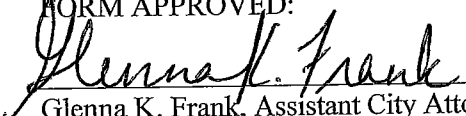
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NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

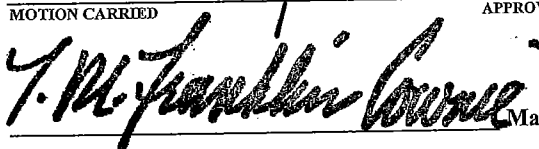
1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Property to "PUD" Planned Unit Development District, and any objections to the proposed PUD Conceptual Plan for "Quik Trip No. 0559R", with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
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 PUD Conceptual Plan "Quik Trip No. 0559R", as on file in the Community Development Department, is hereby found to be in conformance with the Plan DSM: Creating Our Tomorrow 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. 16-0678, 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, Assistant City Attorney

(ZON2016-00047)

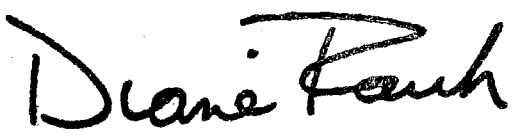
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED 7 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