



Roll Call Number

16-1655

Agenda Item Number

59

Date September 26, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED AT
6305 SOUTHWEST 9TH STREET**

WHEREAS, on September 12, 2016, by Roll Call No. 16-1515, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 18, 2016, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request by Quik Trip Corporation (purchaser), represented by Mike Talcott (officer), to rezone property located at 6305 Southwest 9th Street ("Property") and owned by Hurd Quality, LLC, from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented District, to allow for incorporation into the existing convenience store site to the west; and

WHEREAS, on September 12, 2016, by Roll Call No. 16-1515, it was duly resolved by the City Council that the application of Quik Trip Corporation to rezone the Property, as legally described below, be set down for hearing on September 26, 2016 at 5:00 p.m. in the Council Chambers at the Municipal Service Center (MSC); 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 6305 Southwest 9th Street, legally described as:

Lots 1 and 18, Block 5 of PORTER'S REPLAT, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "R1-60" One-Family Low-Density Residential District to "C-2" General Retail and Highway Oriented District to allow for incorporation into the existing convenience store site to the west.

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 "C-2" General Retail and Highway Oriented District are hereby overruled, and the hearing is closed.

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2. The proposed rezoning of the Property to "C-2" General Retail and Highway Oriented District is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2016-00138)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

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