



Roll Call Number

17-0039

Agenda Item Number

31

Date January 9, 2017

**RESOLUTION SETTING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION FOR AMENDMENT TO THE QUIK TRIP #0559R PUD
CONCEPTUAL PLAN ON PROPERTY LOCATED AT 4021 FLEUR DRIVE**

WHEREAS, on May 9, 2016, by Roll Call No. 16-0806, the City Council approved Ordinance No. 15,472, rezoning property locally known as 4021 Fleur Drive ("Property") from "C-2" General Retail and Highway-Oriented Commercial District to "PUD" Planned Unit Development with approval of the Quik Trip #0559R PUD Conceptual Plan, subject to said Plan being revised to require the relocation of the existing overhead electrical lines to an underground location; and

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 15, 2016, its members voted 14-0 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (owner), represented by Michael Talcott (officer), for a First Amendment to the Quik Trip #0559R PUD Conceptual Plan for the Property to allow removal of the requirement to underground the existing overhead electrical utility lines, subject to replacement of the existing wooden utility poles in the Watrous Avenue right-of-way with black-colored metal or fiberglass poles unless cost-prohibitive; 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.

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

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed First Amendment to the Quik Trip



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-2-

#0559R PUD Conceptual Plan is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa at 5:00 p.m. on January 23, 2017, at which time the City Council will hear both those who oppose and those who favor the proposal.

- 3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00200)

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