



Roll Call Number

17-0071

Agenda Item Number

56

Date January 9, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED AT
3941 SOUTHEAST 14TH STREET, AND APPROVING PUD CONCEPTUAL PLAN**

WHEREAS, on December 19, 2016, by Roll Call No. 16-2154, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 1, 2016, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (owner), represented by Michael Talcott (officer), to rezone property located at 3941 Southeast 14th Street ("Property") from "C-2" General Retail and Highway-Oriented Commercial District to "PUD" Planned Unit Development, and to approve the Quik Trip #0544 "PUD" Conceptual Plan for the Property to allow redevelopment of the existing gas station/convenience store site with a new 5,773-square foot convenience store and gas canopy island with 12 fueling locations, subject to the following revisions to the Conceptual Plan:

1. The PUD Conceptual Plan shall include a note stating that existing overhead electrical utility lines that are not transmission lines will be placed underground as part of any PUD Development Plan.
2. The PUD Conceptual Plan shall demonstrate a landscape island within the row of parking spaces along the west front property line.
3. The "air station" shall be relocated so that it is located at least 25 feet from any front property line; and

WHEREAS, the Property is legally described as follows:

Lots 1 and 2 of QUIKTRIP PLAT NO 1, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, containing 2.057 acres more or less; and

WHEREAS, on December 19, 2016, by Roll Call No. 16-2154, it was duly resolved by the City Council that the application from Quik Trip Corporation to rezone the Property and to approve the Quik Trip #0544 "PUD" Conceptual Plan for the Property, be set down for hearing on January 9, 2017 at 5:00 P.M., in the Council Chamber at the Richard A. Clark 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 approval of the PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and 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

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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 3941 Southeast 14th Street 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 #0544 "PUD" Conceptual Plan with revisions as set forth above, 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 proposed Quik Trip #0544 "PUD" Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to the revisions identified above, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Gatto TO ADOPT.; but eliminate the requirement for under-grounding the power lines and refer to the City Manager for review and recommendation regarding a policy to address under-grounding power lines in corridors.

FORM APPROVED:

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

(ZON2016-00196)

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