



Roll Call Number

17-0143

Agenda Item Number

47

Date January 23, 2017

RESOLUTION HOLDING 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, on January 9, 2017, by Roll Call No. 17-0039, the City Council received a communication from the City Plan and Zoning Commission advising 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 revision of the Plan to require 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, on January 9, 2017, by Roll Call No. 17-0039, it was duly resolved by the City Council that the application of Quik Trip Corporation for review and approval of the proposed First Amendment to the Quik Trip #0559R PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on January 23, 2017, at 5:00 p.m. in the City Council Chambers at the Municipal Services Center; 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 approved PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved 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.

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 statements of interested persons and arguments of counsel, any and all objections to the proposed First Amendment to the Quik Trip #0559R PUD Conceptual Plan for the Property, locally known as 4021 Fleur Drive and legally described as follows, are hereby overruled, and the hearing is closed:

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

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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.

2. The proposed First Amendment to the Quik Trip #0559R 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 revision identified above, and subject to the Community Development Director finding that such revision has been satisfied by amendment to the Plan.

MOVED BY Hensley TO approve the zoning excluding replacement of the existing wooden utility poles in the Watrous Avenue right-of-way.

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	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