



Roll Call Number

17-0523

Agenda Item Number

58

Date March 20, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM
QUIK TRIP CORPORATION FOR REVIEW AND APPROVAL OF A
1ST AMENDMENT TO THE QUIK TRIP NO. 0518 PUD CONCEPTUAL PLAN
ON PROPERTY LOCATED AT 1930 INDIANOLA AVENUE**

WHEREAS, on March 6, 2017, by Roll Call No. 17-0372, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on February 16, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from Quik Trip Corporation (owner), represented by Michael Talcott (owner), for a 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan on property locally known as 1930 Indianola Avenue ("Property") to allow reconfiguration of the proposed pump island canopy, subject to conditions stated in the Commission's communication; and

WHEREAS, on March 6, 2017, by Roll Call No. 17-0372, it was duly resolved by the City Council that the application of Quik Trip Corporation for review and approval of the proposed 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on March 20, 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 Quik Trip No. 0518 PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved Quik Trip No. 0518 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 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan for the Property, locally known as 1930 Indianola Avenue and legally described as follows, are hereby overruled, and the hearing is closed:

LOTS 8, 9, 10, 11 AND 12 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, EXCEPT THAT PART OF SAID LOTS WHICH IS NOW INCLUDED IN INDIANOLA AVENUE
LOTS 6 AND 7 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA
LOT 13 IN FIRST PLAT OF CLIFTON HEIGHTS (EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES BY QUIT CLAIM DEED RECORDED IN BOOK 852 AT PAGE 52) AND THAT PART OF LOT 4 LYING SOUTH OF AND ABUTTING INDIANOLA AVENUE OF OFFICIAL PLAT OF THE WEST 1/2 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA



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LOT 1 AND THE EAST 1/2 OF THE NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING LOT 1 IN FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, (EXCEPT PART DEEDED TO CITY OF DES MOINES, AS RECORDED IN BOOK 814, PAGE 290) AND

AN IRREGULAR PART OF LOTS 4 & 5, FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, DESCRIBED AS BEGINNING AT A POINT 16.64 FEET WEST OF THE NORTHEAST CORNER OF LOT 5 THENCE WESTERLY ALONG THE NORTH LINE OF LOT 5 A DISTANCE OF 100 FEET, THENCE SOUTHERLY TO A POINT ON THE SOUTH LINE OF LOT 4 WHICH POINT IS 117.8 FEET WEST OF THE SOUTHEAST CORNER OF LOT 4 THENCE EASTERLY ALONG THE SOUTH LINE OF LOT 4 A DISTANCE OF 100 FEET, THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF LOT 4 WHICH POINT IS 16.83 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT 4, THENCE CONTINUING NORTH TO THE POINT OF BEGINNING, ALL INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA. PARCELS A AND C OF THE PLAT OF SURVEY FILED NOVEMBER 5, 2003: PARCELS A AND C OF THE PLAT OF SURVEY FILED IN THE OFFICE OF THE RECORDER OF POLK COUNTY, IOWA, ON NOVEMBER 5, 2003 AND RECORDED IN BOOK 10252 PAGE 873, SAID PARCELS BEING A PART OF LOT 4 OF THE OFFICIAL PLAT OF THE WEST HALF OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 10, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING A PART OF THE SE 1/4 OF THE SE 1/4 OF SECTION 9, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND BEING PART OF LOTS 8, 9, 10, 11, 12, 13 AND 14 OF FIRST PLAT OF CLIFTON HEIGHTS, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The proposed 1st Amendment to the Quik Trip No. 0518 PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow 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. 17-0372, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

MOVED BY Hensley TO ADOPT. (ZON2017-00004)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED APPROVED Y. 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 Fauh City Clerk