



Roll Call Number

18-1696

Agenda Item Number

39B

Date October 8, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM GIT-N-GO CONVENIENCE STORES, INC. TO REZONE PROPERTY IN THE VICINITY OF 100 WATROUS AVENUE

WHEREAS, on September 10, 2018, by Roll Call No. 18-1504, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 16, 2018, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Git-N-Go Convenience Stores, Inc. (owner), represented by Dennis Flora (officer), to rezone property in the vicinity of 100 Watrous Avenue ("Property") from "R1-70" One-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow redevelopment of the Property with a new gas station/convenience store with 6 fueling locations, subject to the following rezoning conditions:

1. Any use of the Property for Multiple-Family Residential Dwellings, Department or Retail Stores over 12,000 square feet in area, Office Buildings over 12,000 square feet in area, and Upholstery Shops shall be prohibited.
2. Any expansion of the existing building on the Property or redevelopment of the Property for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission under design guidelines for gas stations/convenience stores.
3. Any expansion or conversion of the existing building or construction of new buildings on the Property are subject to compliance with all applicable Building Codes and with all necessary permits and Certificate of Occupancy issued by the Permit and Development Center; and

WHEREAS, on September 10, 2018, by Roll Call No. 18-1504, it was duly resolved by the City Council that the application of Git-N-Go Convenience Stores, Inc. to rezone the Property, as legally described below, be set down for hearing on September 24, 2018 at 5:00 p.m. in the Council Chambers at City Hall; 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, on September 24, 2018, by Roll Call No. 18-1627, the City Council opened and continued the public hearing to the City Council meeting on October 8, 2018, and directed the Legal Department to prepare the necessary documents to revise condition #2 above to state:

2. Any expansion of the existing building on the Property or redevelopment of the Property for a gas station/convenience store is subject to review and approval of a Site Plan by the Plan and Zoning Commission and by City Council under design guidelines for gas stations/convenience stores; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property in the vicinity of 100 Watrous Avenue, legally described as:



Roll Call Number

18-16916

Agenda Item Number

39B

Date October 8, 2018

EXCEPT THE WEST 15 FEET OF THE NORTH 150 FEET, LOTS 1, 2, AND 3 SOUTHMOOR GARDENS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "R1-70" One-Family Residential District to Limited "C-1" Neighborhood Retail Commercial District, to allow redevelopment of the Property with a new gas station/convenience store with 6 fueling locations, subject to the conditions stated above, including revised condition #2, as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their successors, heirs and assigns.

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 Limited "C-1" Neighborhood Retail Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-1" Neighborhood Retail Commercial District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is 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 (signature)

Glenna K. Frank, Assistant City Attorney

(ZON2018-00140)

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

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.

J.M. Frank (signature) Mayor

Diane Rauh (signature) City Clerk