



Roll Call Number

19-1787

Agenda Item Number

67B

Date November 4, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM
KUM & GO, LC TO REZONE PROPERTY LOCATED AT
3104 UNIVERSITY AVENUE AND 1134 31ST STREET**

WHEREAS, on October 14, 2019, by Roll Call No. 19-1596, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 19, 2019, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from Kum & Go, LC (owner), represented by Dan Garneau (officer), to rezone property located at 3104 University Avenue and 1134 31st Street ("Property") from "C-1" Neighborhood Retail Commercial District, "R-3" Multiple-Family Residential District, and "C-0" Commercial-Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow for redevelopment of Property with a new 5,661-square foot fueling station with retail sales of convenience items and with eight fueling locations, subject to the condition that the Property be developed in substantial conformance with the submitted rezoning sketch; and

WHEREAS, on October 14, 2019, by Roll Call No. 19-1596, it was duly resolved by the City Council that the application from Kum & Go, LC to rezone the Property be set down for hearing on November 4, 2019 at 5:00 P.M., in the Council Chamber 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, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property located at 3104 University Avenue and 1134 31st Street, legally described as:

LOTS 1, 2, 3 AND 4 AND THE NORTH 75 FEET OF LOTS 5, 6, 7 AND 8 IN JAMES H LOPERS 1ST ADDITION, AN OFFICIAL PLAT, ALL BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

from "C-1" Neighborhood Retail Commercial District, "R-3" Multiple-Family Residential District, and "C-0" Commercial-Residential District to Limited "NPC" Neighborhood Pedestrian Commercial District, to allow for redevelopment of Property with a new 5,661-square foot fueling station with retail sales of convenience items and with eight fueling locations, subject to the condition that the Property be developed in substantial conformance with the submitted rezoning sketch.



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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 "NPC" Neighborhood Pedestrian Commercial District, subject to the above-stated condition, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to Limited "NPC" Neighborhood Pedestrian Commercial District, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the above-stated condition and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT. Parties will work in good faith exploring ways to move the Mirell Flats.

FORM APPROVED:

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

(ZON2019-00165)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED APPROVED

J. M. Franklin Cownie
Mayor

CERTIFICATE

I. P. Kay Cmelik 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.

I. P. Kay Cmelik
City Clerk