



Roll Call Number

Agenda Item Number

20-1762

19

Date November 9, 2020

RESOLUTION SETTING HEARING ON REQUEST FROM QUIK TRIP CORPORATION TO REZONE PROPERTY LOCATED AT 1421 INGERSOLL AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 15, 2020, its members voted 12-1 in support of a motion to recommend DENIAL of a request from Quik Trip Corporation (lessee), represented by Jessica Glava (officer), to rezone the real property locally known as 1421 Ingersoll Avenue ("Property"), owned by Humphrey's Fund I REIT, LLC, from 'MX2' Mixed Use District to 'MX3' Mixed Use District to allow the existing 4,008-square foot Fuel Station with 10 fueling locations the ability to request a Conditional Use for a business that sells alcoholic liquor, subject to the following conditions:

- 1. The only Permitted and Conditional Uses shall be sales of packaged alcoholic liquor subject to approval of a Conditional Use from the Zoning Board of Adjustment and those Permitted and Conditional Uses in common with the "MX2" Mixed Use District and as limited in the "MX2" Mixed Use District; and
2. Accessory structures shall be limited to those permitted in the "MX2" Mixed Use District per Table 135-2.22-1; and

WHEREAS, the Property is legally described as follows:

THE WEST 15 FEET OF LOT 5; ALL OF LOTS 6 AND 7; ALL THAT PART OF THE EAST AND WEST ALLEY LYING BETWEEN THE INGERSOLL AVENUE EXTENSION AND HIGH STREET EXTENDING EAST FROM FIFTEENTH STREET; AND ALSO ALL THAT PART OF LOTS 8 AND 9 LYING WITHIN THE FOLLOWING DESCRIBED LINES: BEGINNING AT A POINT WHERE THE NORTH LINE OF SAID EAST AND WEST ALLEY INTERSECTS A STRAIGHT LINE 12 FEET NORTHERLY FROM AND PARALLEL TO THE NORTHERLY LINE OF THE 100 FOOT RIGHT-OF-WAY OF THE INGERSOLL AVENUE EXTENSION; THENCE SOUTHWESTERLY ALONG SAID STRAIGHT LINE 12 FEET NORTHERLY FROM AND PARALLEL TO SAID NORTHERLY LINE OF SAID 100 FOOT RIGHT-OF-WAY OF SAID INGERSOLL AVENUE EXTENSION A DISTANCE OF 119 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ON AND ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 25 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF FIFTEENTH STREET WHICH IS 20 FEET SOUTH OF THE SOUTH LINE OF SAID EAST AND WEST ALLEY; THENCE NORTH ALONG THE EAST LINE OF FIFTEENTH STREET A DISTANCE OF 36 FEET TO THE NORTH LINE OF SAID EAST AND WEST ALLEY; THENCE EAST ALONG THE NORTH LINE OF SAID EAST AND WEST ALLEY A DISTANCE OF 142 FEET (MORE OR LESS) TO THE POINT OF BEGINNING; ALL IN BLOCK 4 IN THE SUBDIVISION OF LOT 5 OF PURSLEY'S ADDITION TO FORT DES MOINES, ALSO KNOWN AS GRIFFITH'S SUBDIVISION OF LOT 5 OF 13.04 ACRES OF THE PURSLEY ESTATE, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA. AND

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LOTS 3, 4 AND THE EAST 45 FEET OF LOT 5 OF BLOCK 4 OF THE SUBDIVISION OF LOT 5 OF PURSLEY ADDITION TO FORT DES MOINES, LYING NORTH OF INGERSOLL AVENUE, AS PRESENTLY ESTABLISHED, ALL NOW BEING IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND CONTAINING .45 ACRES, MORE OR LESS.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed zoning is to be considered, and at which time the City Council will hear both those who oppose and those who favor the proposals, shall be held at 5:00 p.m. on November 23, 2020, by electronic means to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code. The City Clerk is instructed to provide this notice including information about participation in the electronic meeting as indicated above.

MOVED BY Boesen TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse, Assistant City Attorney

(ZON2020-00113)

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

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.

J. M. Franklin Cownie, Mayor

P. Kay Cmelik, City Clerk