



Roll Call Number

20-1966

Agenda Item Number

57

Date November 23, 2020

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

**WHEREAS**, on November 9, 2020, by Roll call No. 20-1762, the City Council received a communication from the City Plan and Zoning Commission advising 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**, on November 9, 2020, by Roll Call No. 20-1762, it was duly resolved by the City Council that the application of Quik Trip to rezone the Property, be set down for hearing on November 23, 2020 at 5:00 p.m. by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and

**WHEREAS**, thereafter Quik Trip Corporation submitted a written request to withdraw its application for the proposed rezoning of the Property.

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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of 1421 Ingersoll Avenue from 'MX2' Mixed Use District to 'MX3' Mixed Use District with conditions, is hereby dismissed, and the matter of the proposed rezoning is withdrawn from City Council consideration.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse
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