



**Roll Call Number**

22-1180

**Agenda Item Number**

54

**Date** July 18, 2022

**RESOLUTION HOLDING PUBLIC HEARING REGARDING REQUEST FROM QUIKTRIP CORP. (OWNER), REPRESENTED BY JASON ACORD (OFFICER) FOR PROPERTY LOCATED IN THE VICINITY OF 1200 KEOSAUQUA WAY TO REZONE THE PROPERTY FROM “MX2” MIXED-USE DISTRICT AND “MX3” MIXED USE DISTRICT TO “DXR” DOWNTOWN DISTRICT, TO ALLOW DEVELOPMENT OF TOWNHOMES**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on June 16, 2022, its members voted 11-0-1 in support of a motion to recommend **APPROVAL** of a request from QuikTrip Corp. (owner), represented by Jason Acord (officer), to rezone the property from “MX2” mixed-use district and “MX3” mixed use district to “DXR” downtown district, to allow development of townhomes and determined the requested rezoning is in conformance with the PlanDSM: Creating Our Tomorrow Comprehensive Plan; and

**WHEREAS**, on June 27, 2022, by Roll Call No. 22-0996, it was duly resolved by the City Council that the request to rezone the Property be set down for hearing on July 18, 2022, at 5:00 P.M., in the Council Chambers; 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 rezoning; 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 in the vicinity of 1200 Keosauqua Way, and legally described as follows:

Lot 6, except those parts conveyed to the City of Des Moines, Iowa by Quit Claim Deed recorded in Book 10801, Page 439, and Special Warranty Deed recorded in Book 16273, Page 696 in Oakridge Plat 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; and Lot 5 in Oakridge Plat 3, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa, except that part deeded to the City of Des Moines by Warranty Deed filed August 31, 2004 in Book 10712, Page 157.

And

A parcel of land being a part of the City of Des Moines vacated public right-of-way adjacent to Lot 6 of Oakridge Plat 3, an Official Plat, included in and forming a part of the City of Des Moines, Polk County, Iowa being more particularly described as follows:



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Commencing at the southwest corner of said Lot 6; thence along the south line of said Lot 6 S89°32'59"E, 65.51 feet to the point of beginning; thence continuing S89°32'59"E, 60.57 feet; thence 66.24 feet along a 49.00 foot radius curve, concave northwest, chord bearing N51°45'43"E, 61.31 feet; thence N13°06'34"E, 28.31 feet to the southeasterly line of said Lot 6; thence along said southeasterly line S45°07'54"W, 67.57 feet; thence along said southeasterly line S75°31'00"W, 69.46 feet to the point of beginning.

All together containing 1.61 acres, more or less.

From "MX2" mixed-use district and "MX3" mixed use district to "DXR" downtown district.

**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 are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to mixed use district to "DXR" downtown district, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, and final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT. SECOND BY Boesen

FORM APPROVED:

/s/ Lisa A. Wieland  
Lisa A. Wieland  
Assistant City Attorney

(ZONG-2022-000055)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
GATTO	✓			
SHEUMAKER	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

**CERTIFICATE**

I, LAURA BAUMGARTNER, Acting 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.

MOTION CARRIED APPROVED  
J. M. Franklin Cownie Mayor

Laura Baumgartner Acting City Clerk