



**\*\*\* DES MOINES CITY COUNCIL MEETING REPORT \*\*\***

The City Council took the following action on items listed in the attached meeting agenda summary. Copies of ordinances, resolutions and other Council action may be obtained from the City Clerk's Office (515) 283-4209. The six-digit number beginning with '16-' preceding each item on the agenda is a roll call number assigned by the City Clerk. Please refer to this number when requesting information or copies.

**SUMMARY OF DES MOINES CITY COUNCIL MEETING**  
**City Hall, Council Chambers**  
**400 Robert D. Ray Dr.**  
**Des Moines, Iowa 50309**

**March 7, 2016 4:30 PM**

**SPECIAL PRESENTATIONS – 4:15 PM**

Certificate of recognition to Joyce O'Brien for fiber painting "di'moin"

**INVOCATION:** Council Member Hensley

- [16-0359](#) 1. **ROLL CALL: Present: Cownie, Coleman, Gatto, Gray, Hensley, Moore and Westergaard. Council Member Moore participated in the meeting by telephone.**
- [16-0360](#) 2. **APPROVING AGENDA, AS PRESENTED AND/OR, AS AMENDED: Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0361](#) 3. **APPROVING CONSENT AGENDA \* – items 3 through 39: Moved by Gatto to adopt the balance of the consent agenda. Motion Carried 7-0.**

**\*Note: These are routine items and will be enacted by one roll call vote without separate discussion unless someone, Council or public, requests an item be removed to be considered separately.**

**LICENSES AND PERMITS**

16-0362

4. Approving Alcoholic Beverage License Applications for the following: **Moved by Gatto to adopt. Motion Carried 7-0. \*Council Members Coleman and Moore vote No on item 4(B).**

**NEW APPLICATIONS**

(A)	BERNARDOS BURRITOS	215 4TH ST	C Liquor
*(B)	EAST SIDE LIQUOR	3804 HUBBELL AVE	E Liquor
(C)	TWISTED PIZZARIA	1409 23RD ST	C Liquor

**RENEWAL APPLICATIONS**

(D)	BUZZARD BILLYS	615 3RD ST	C Liquor
(E)	CASH SAVER	1320 E EUCLID AVE	E Liquor
(F)	CASH SAVER	4121 FLEUR DR	E Liquor
(G)	FRANCIES	2100 WAKONDA VIEW	C Liquor
(H)	GIT N GO STORE #10	816 E EUCLID AVE	C Beer
(I)	GRANDVIEW GOLF COURSE	2401 E 29TH ST	C Liquor
(J)	HY VEE FOOD STORE #3	3221 SE 14TH ST	E Liquor
(K)	HY VEE WINE & SPIRITS	2310 HUBBELL AVE	E Liquor
(L)	IOWA BEEF STEAK HOUSE	1201 E EUCLID AVE	C Liquor
(M)	MALO RESTAURANT	900 MULBERRY ST	C Liquor
(N)	MCCUENS PUB	2565 WEDGEWOOD	C Liquor
(O)	NOAHS ARK	2400 INGERSOLL AVE	C Liquor
(P)	OVATIONS FOOD SERVICES	233 CENTER ST	C Liquor
(Q)	PAESANOS PIZZERIA	2804 SW 9TH ST	C Beer/Wine
(R)	PRICE CHOPPER	4343 MERLE HAY RD	E Liquor
(S)	PRICE CHOPPER	4341 MERLE HAY RD	C Beer
(T)	PRICE CHOPPER	3401 INGERSOLL AVE	C Beer
(U)	PRICE CHOPPER	3425 INGERSOLL AVE	E Liquor
(V)	PRICE CHOPPER	1819 BEAVER AVE	E Liquor
(W)	QUIK TRIP #527	614 UNIVERSITY AVE	C Beer
(X)	RICCELLIS SUPPER CLUB	3803 INDIANOLA AVE	C Liquor
(Y)	SCORNOVACCAS PIZZA	3900 E 14TH ST	B Beer
(Z)	VOM FASS	833 42ND ST	E Liquor
(AA)	WAVERLY	2120 INGERSOLL AVE	C Liquor

**OUTDOOR SERVICE APPLICATIONS**

(BB)	300 CRAFT & ROOFTOP	300 W MLK JR PKWY	C Liquor
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Permanent rooftop patio.

**SPECIAL EVENTS APPLICATIONS**

(CC) DRAKE UNIVERSITY 2505 CARPENTER AVE Five (5) Day License  
Special Class C Liquor License (Beer/Wine) for TCJO Concert on March 31, 2016.

(DD) JOHNNYS HALL OF FAME 313 WALNUT ST Five (5) Day License  
Class B Beer License for Iowa Curling Cup on March 16 – 19, 2016.

(EE) WAT LAO BUDDHAVAS 3000 E GRAND AVE Five (5) Day License  
Class B Beer License for New Year's Celebration on April 9, 2016.

- [16-0363](#) 5. [City](#) Clerk to issue Cigarette/Tobacco/Nicotine/Vapor Permits. **Moved by Gatto to adopt. Motion Carried 5-2. Nays: Cownie and Moore.**

## PUBLIC IMPROVEMENTS

6. Ordering construction of the following:

- [16-0364](#) (A) [2016](#) ADA Sidewalk Ramp Program – Contract 1: Receiving of bids, (3-22-16), Setting date of hearing, (4-11-16). Construction estimate, \$675,000. ([Council Communication No. 16-120](#)) **Moved by Coleman to adopt; refer to the City Manager to provide an update at an upcoming workshop regarding the status of ADA Sidewalk Compliance Program and the Consent Decree. Motion Carried 7-0.**

- [16-0365](#) (B) [2016](#) Skywalk Roof Replacement: Receiving of bids, (3-22-16), Setting date of hearing, (4-11-16). Construction estimate, \$294,131.75. ([Council Communication No. 16-122](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0366](#) (C) [2016](#) Parking Garage Repair Program: Receiving of bids, (3-22-16), Setting date of hearing, (4-11-16). Construction estimate, \$407,000. ([Council Communication No. 16-121](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0367](#) 7. [Approving](#) contract and bond for construction of an improvement with an estimated cost, which is less than the Iowa Code competitive bid threshold, Glendale Cemetery Dirt Barn, McGreger Corporation (Ryan S. McGreger, General Manager), \$43,650. ([Council Communication No. 16-124](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0368](#) 8. [Approving](#) contract and bond for construction of an improvement with an estimated cost, which is less than the Iowa Code competitive bid threshold, Municipal Service Center Overhead Door Replacements, MLB of Iowa, Inc. d/b/a WD Door (Steve Bouchard, President), \$68,275. ([Council Communication No. 16-125](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0369](#) 9. [Approving](#) Professional Services Agreement with Impact7G, Inc. for the 2014 FEMA HMGP Grant 4184 & 4181 – Asbestos Services, not to exceed \$31,500. ([Council Communication No. 16-123](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0370](#) 10. [Approving](#) Professional Services Agreement with Shuck-Britson, Inc. for the 2016 Parking Garage Repair Design, not to exceed \$75,620. ([Council Communication No. 16-126](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0371](#) 11. [Approving](#) Supplemental Agreement No. 1 to the Professional Services Agreement with Shuck-Britson, Inc. for additional bridge aesthetic development and final aesthetic design services for Grand Avenue Bridge over Des Moines River, not to exceed \$160,193. ([Council Communication No. 16-129](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0372](#) 12. [Approving](#) First Amendment to the Agreement with Pleasant Hill for the SE Connector and Pleasant Hill Boulevard and Vandalia Road Intersection Projects and authorizing the payment of funds for reimbursement of certain property interests needed for the SE Connector. ([Council Communication No. 16-115](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0373](#) 13. [Accepting](#) completed construction and approving final payment for Army Post Road Bridge over Great Western Trail, C. J. Moyna & Sons, Inc. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### SPECIAL ASSESSMENTS

- [16-0374](#) 14. [Levying](#) assessments for fees, fines, penalties, costs and interest imposed in the enforcement of the Neighborhood Inspection Rental Code, Schedule No. 2016-02. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### LAND/PROPERTY TRANSACTIONS

- [16-0375](#) 15. [Release](#) of PUD Restoration Bond for the Wakonda Townhomes located in the vicinity of 1400 – 1900 blocks of Park Avenue for satisfactory completion of the required grading and site restoration. ([Council Communication No. 16-110](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0376](#) 16. [Release](#) of PUD Restoration Bond for the Kum & Go Store #536 Project located at 1300 Keosauqua Way for satisfactory completion of the required grading, erosion control, and site restoration. ([Council Communication No. 16-109](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0377](#) 17. [Partial](#) Release of Subdivision Improvement Letter of Credit for Brook Run Village Plats 13, 14 and 15 for a portion of the required public sidewalk improvements that have been satisfactorily completed. ([Council Communication No. 16-113](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0378](#) 18. [Reducing](#) Subdivision Improvement Bond for Summersfield Plat 1 for a portion of the required public sidewalk improvements that have been satisfactorily completed. ([Council Communication No. 16-112](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0379](#) 19. [Authorization](#) to proceed with acquisition of the necessary property interests for the 2016

Storm Sewer Repair Project. ([Council Communication No. 16-116](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0380](#) 20. [Approving](#) tax abatement applications for the additional value added by improvements completed during 2015 (27 applications). ([Council Communication No. 16-108](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **BOARDS/COMMISSIONS/NEIGHBORHOODS**

- [16-0381](#) 21. [Recommendation](#) from Mayor Cownie to appoint Martha Green to the Historic Preservation Commission, Seat 4, for a three-year term commencing October 18, 2015 to expire October 18, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0382](#) 22. [Recommendation](#) from Council Member Linda Westergaard to appoint Stephanie Weisenbach to the Urban Design Review Board, Seat 9, for a three-year term commencing June 30, 2015 to expire June 30, 2018. **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0383](#) 22-I [Recommendation](#) from Council Member Bill Gray to appoint Kameron Middlebrooks to the Des Moines Civil and Human Rights Commission, Seat 4, for a three-year term commencing April 1, 2014 to expire April 1, 2017. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### **COMMUNICATIONS FROM PLANNING AND ZONING**

- [16-0384](#) 23. [Regarding](#) approval of a Preliminary Plat and PUD Development Plan “Woodlawn” at 4209 Lower Beaver Road to allow 38 single-family semi-detached dwellings on 38 lots accessed by a private drive out lot. **Moved by Gatto to receive and file. Motion Carried 7-0.**

#### **SETTING DATE OF HEARINGS**

- [16-0385](#) 24. [On](#) vacation of air space and surface rights adjoining 110 6<sup>th</sup> Avenue and conveyance of a permanent easement for air space within 6<sup>th</sup> Avenue and conveyance of a permanent easement for building encroachment within 6<sup>th</sup> Avenue and Cherry Street to Polk County, (3-21-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

- [16-0386](#) (A) [Communication](#) from Plan and Zoning Commission. **Moved by Gatto to receive and file the communication from the Plan and Zoning Commission and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.**

- [16-0387](#) 25. [On](#) vacation and conveyance of street rights-of-way located at the southwest corner of Indianola Road and Indianola Avenue to QuikTrip Corporation, \$75,536, (3-21-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0388](#) 26. [On](#) approval of 2016 U.S. Department of Housing and Urban Development (HUD) Action Plan for the 2015-2019 Consolidated Plan, (4-11-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0389](#) 26-I [On](#) issuance of General Obligation Bonds for Iowa Events Center (IEC) Hotel Guarantee, not to exceed \$10,000,000, (3-21-16). **Moved by Gatto to adopt. Motion Carried 7-0.**

#### LEGAL DEPARTMENT - CLAIM SETTLEMENTS & BILLINGS

[16-0390](#) 27. [Approving](#) payment to Duncan, Green, Brown & Langeness on matters related to construction disputes, \$5,328.69. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0391](#) 28. [Approving](#) payment to Hall & Associates for services related to NPDES Permit for the City, \$118.98. **Moved by Gatto to adopt. Motion Carried 7-0.**

#### CITY MANAGER COMMUNICATIONS

[16-0392](#) 29. [Submitting](#) travel and training request for Deborah Hobbs, Terry Lewellin, Darren Long, Makenzie Patterson, Heather Redenius, Hannah Schabilion, Johnny Virden, and Steve Woody. ([Council Communication No. 16-132](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

#### APPROVING

[16-0393](#) 30. [Urban](#) Renewal Development Agreement with Bronson Partners, LLC for the redevelopment, adaptive reuse and restoration of the existing building at 1417 Walnut Street for a mixed-use residential and commercial development and approving conceptual development plan. ([Council Communication No. 16-114](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0394](#) 31. [2015](#) and 2016 Emergency Solutions Grant (ESG) Funding. ([Council Communication No. 16-107](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0395](#) 32. [Issuance](#) of Certificate of Completion to Sherman Gray's Landing Hotel Development, LLC, (Holiday Inn Express Hotel) at 333 SW 11<sup>th</sup> Street. **Moved by Gatto to adopt. Motion Carried 7-0.**

[16-0396](#) 33. [Application](#) from Alpha Ventures, LLC (Beer Can Alley) requesting approval of banner design and to temporarily place a banner across the street on Court Avenue between 2<sup>nd</sup> & 3<sup>rd</sup> Streets on March 18-19, 2016. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**

[16-0397](#)

34. [Application](#) from Market To Market – Off The Clock Events, LLC requesting approval of banner design and to temporarily place banners on the Court Avenue Bridge (Water Street) to E. 1<sup>st</sup> Street and E. 3<sup>rd</sup> Street (Court Avenue to Walnut Street) on Saturday, May 7, 2016. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**

35. Communications from Downtown Community Alliance for the following banners:

[16-0398](#)

(A) [On](#) behalf of the Des Moines Metro Opera, requesting approval of banner designs to be displayed on Locust Street and Grand Avenue on Western Gateway Park poles in May and June, 2016. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**

[16-0399](#)

(B) [On](#) behalf of the Downtown Farmers’ Market, requesting approval of banner design for banners to be displayed in downtown Des Moines on Court Avenue from April through October, 2016. **Moved by Gatto to receive, file and approve banner design. Motion Carried 7-0.**

[16-0400](#)

36. [Civil](#) Service Entrance Lists for Senior City Planner and Air-Conditioning Mechanic. **Moved by Gatto to receive and file. Motion Carried 7-0.**

[16-0401](#)

37. [Authorizing](#) Finance Director to draw checks on [registers](#) for the weeks of March 7 and 14, 2016; to draw checks for the [bills](#) of the Des Moines Municipal Housing Agency for the weeks of March 7 and 14, 2016; and to draw checks for biweekly payroll due on March 18, 2016. **Moved by Gatto to adopt. Motion Carried 7-0.**

**ORDINANCES - SECOND CONSIDERATION**

[16-0402](#)

38. [Amending](#) Chapter 114 of the Municipal Code regarding Traffic Regulation Changes as follows: **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

(A) Extending no parking area on Pleasant Drive, east of Cummins Parkway.

(B) Elimination of three surface parking lots in the East Village from the Municipal Code due to sale of property for development.

[16-0403](#)

39. [Amending](#) Chapter 114 of the Municipal Code regarding special parking permit operating procedures. **Moved by Gatto that this ordinance be considered and given second vote for passage. Motion Carried 7-0.**

\* \* \* \* \* END CONSENT AGENDA \* \* \* \* \*

## ORDINANCES - FIRST CONSIDERATION

[16-0404](#) 40. Amending Chapter 74 of the Municipal Code regarding mobile food vendors in City Parks. (Council Communication No. 16-105) **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 6-0. Council Member Gatto declares a conflict of interest and abstains from voting.**

WITHDRAWN  
[16-0405](#)

~~41. Amending Chapter 118 of the Municipal Code regarding volume charge and customer service charge for sewer services and the ERU rate to be applied to residential and nonresidential properties.~~

WITHDRAWN  
[16-0406](#)

~~(A) Final consideration of ordinance above (waiver requested by the City Manager), requires six votes.~~

WITHDRAWN  
[16-0407](#)

~~42. Amending Chapter 18 of the Municipal Code regarding illegal and dangerous animals. (Council Communication No. 16-106)~~

## COMMUNICATIONS/REPORTS

43. Discussion regarding in-home child care in Des Moines:

[16-0408](#)

(A) Request to speak from Teree Caldwell Johnson; Child Care Resources & Referral; Iowa Association for the Education of Young Children; Parent utilizing in-home child care; provider of in-home child care; Shane Schulte Community Volunteer with Polk County Early Childhood Iowa; United Way. **Moved by Hensley to receive and file comments. Motion Carried 7-0.**

WITHDRAWN  
[16-0409](#)

~~(B) Request to speak from Rachel Ong, 164 56<sup>th</sup> Place, West Des Moines.~~

[16-0410](#)

44. From Arthur Smith, 4609 Hickman Road, to speak regarding revision to Municipal Code Article VI. – Illegal and Dangerous Animals, Section 18-196 definitions. **Moved by Gray to receive and file comments; refer to the City Manager and Police Department for review and recommendation. Motion Carried 7-0.**

[16-0411](#)

45. From Jaxson Hannan, 3300 E. 29<sup>th</sup> Street, to speak regarding expanding the Four Mile Skate Park. **Moved by Westergaard to receive and file comments and refer to the City Manager and Parks Department for review and recommendation. Motion Carried 7-0.**



## APPROVING

- [16-0412](#) 46. [Review](#) of Zoning Board of Adjustment decision granting a variance from separation distance requirement to allow a gas station/convenience store at 2930 Hickman Road to sell wine and beer. ([Council Communication No. 16-111](#)) **Moved by Gray to receive and file the staff report and comments received, and to adopt alternative C. (C) The City Council declines to remand the decision to the Zoning Board of Adjustment. The decision of the Board becomes final on this date. Motion Carried 5-2. Nays: Cownie and Coleman.**
- [16-0413](#) 47. [Competitive](#) process for sale and redevelopment of the City-owned parking lots, east of City Hall; receiving proposal from 101 East Grand Parking, LLC for redevelopment of such properties; and setting date of hearing on sale of properties, (4-11-16). ([Council Communication No. 16-131](#)) **Moved by Gatto to adopt. Motion Carried 6-1. Absent: Coleman.**
- [16-0414](#) 48. [Application](#) for U.S. Department of Homeland Security 2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. ([Council Communication No. 16-104](#)) **Moved by Gatto to adopt. Motion Carried 7-0.**
- [16-0415](#) 49. [Intergovernmental](#) 28E Agreement with government entities represented on the Metropolitan Advisory Council (MAC) for the funding of Homeland Security Services within the metropolitan area. ([Council Communication No. 16-102](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0416](#) 50. [Revised](#) City of Des Moines Taxpayer Quality Assurance Policy. ([Council Communication No. 16-127](#)) **Moved by Gatto to adopt the policy as amended to allow the Questionnaire to be submitted with the bid – strike “no later than two weeks prior to the deadline for accepting bids”. Motion Carried 6-1. Nays: Hensley.**
- [16-0417](#) 51. [Collective](#) Bargaining Agreement with AFSCME Council 61 and its Affiliated Local 3673 for July 1, 2016 through June 30, 2018. ([Council Communication No. 16-103](#)) **Moved by Gray to adopt. Motion Carried 7-0.**

**HEARINGS (OPEN AT 5:18 P.M.) (ITEMS 52 THRU 59)**

- [16-0418](#) 52. **On** request from Carlisle Development, LLC to rezone property in the 4601 block of SE 34<sup>th</sup> Street from “R1-90” (Large Lot One-Family Residential) to “R1-70” (One-Family Low-Density Residential) to allow development of single-family residential dwellings. **Moved by Gatto to adopt. The parties have additionally agreed to 2-car garages on lots 31 and 32, and to provide access along SE 34<sup>th</sup> Street to connect to the trail. This additional agreement will be separately memorialized. Motion Carried 7-0.**
- [16-0419](#) (A) **First** consideration of ordinance above. **Moved by Gatto that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-0420](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Gatto that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,450](#). Motion Carried 7-0.**
- [16-0421](#) 53. **On** vacation and conveyance of a segment of W. Martin Luther King Jr. Pkwy. (also known as Elm Street) adjoining 300 W. Martin Luther King Jr. Pkwy. to Green Ltd., LC, \$12,610. ([Council Communication No. 16-118](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0422](#) (A) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**
- [16-0423](#) (B) **Final** consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,451](#). Motion Carried 7-0.**
- [16-0424](#) 54. **On** conveyance of a portion of W. Martin Luther King Jr. Pkwy. (also known as Elm Street) adjoining 300 W. Martin Luther King Jr. Pkwy. and a portion of SW 4<sup>th</sup> Street lying south of W. Martin Luther King Jr. Pkwy. to Eychaner Holdings, Inc., \$22,500. ([Council Communication No. 16-117](#)) **Moved by Hensley to adopt. Motion Carried 7-0.**
- [16-0425](#) 55. **On** conveyance of 226 E. Holcomb Avenue to Greater Des Moines Habitat for Humanity, Inc., \$4,500. ([Council Communication No. 16-119](#)) **Moved by Westergaard to adopt. Motion Carried 7-0.**

56. Items regarding request from QuikTrip Corporation to rezone property in the vicinity of 1930 Indianola Avenue:

[16-0426](#)

(A) [Amend](#) the Des Moines' 2020 Community Character Land Use Plan, from Commercial: Pedestrian-Oriented Commercial Corridor to Commercial: Auto-Oriented Small-Scale Strip Development. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

[16-0427](#)

(B) [Hearing](#) on rezoning the property from "C-1" (Neighborhood Retail Commercial) and Ltd. "C-2" (General Retail and Highway-Oriented Commercial) to "PUD" (Planned Unit Development) and to approve the PUD Conceptual Plan. **Moved by Hensley to adopt. Motion Carried 7-0.**

[16-0428](#)

(C) [First](#) consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[16-0429](#)

(D) [Final](#) consideration of ordinance above (waiver requested by the applicant), requires six votes. **Moved by Hensley that the rule requiring that an ordinance must be considered and voted on for passage at two Council meetings prior to the meeting at which it is to be finally passed be suspended, that the ordinance be placed upon its final passage and that the ordinance do now pass, [#15,452](#). Motion Carried 7-0.**

57. On items regarding 5311 SW 9<sup>th</sup> Street (Plan and Zoning Commission recommends DENIAL, six votes required for approval):

[16-0430](#)

(A) [Amend](#) the Des Moines' 2020 Community Character Plan future land use Designation from Low-Density Residential to Commercial: Auto-Oriented Small-Scale Strip Development. **Moved by Gatto to adopt and Deny the proposed amendment. Motion Carried 7-0.**

[16-0431](#)

(B) [Hearing](#) on rezoning the property from "R1-60" (One-Family Residential) to "C-2"

(General Retail and Highway-Oriented Commercial) to allow for retention and use of an existing accessory structure to be used in common with the commercial use on the western portion of the property. **Moved by Gatto to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning: A. The City Plan and Zoning Commission voted 11-1 to recommend denial of the requested rezoning of the property to “C-2” General Retail and Highway-Oriented Commercial District to allow for use of the existing accessory structure for commercial purposes. B. Additional “C-2” District zoning requires greater separation from residential uses than available at the property due to the anticipated higher levels of noise, traffic and other impacts, and the limited ability to provide the minimum required off-street parking spaces. C. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment. Motion Carried 7-0.**

58. On items regarding 922 8<sup>th</sup> Street, 811 Crocker Street and 915-9 9<sup>th</sup> Street:

[16-0432](#) (A) **Amend** the Des Moines’ 2020 Community Character Plan future land use designation from High-Density Residential to Downtown Support Commercial. **Moved by Hensley to adopt and approve the proposed amendment. Motion Carried 7-0.**

[16-0433](#) (B) **Hearing** on rezoning the property from “R-4” (Multiple-Family Residential) to “C-3A” (Central Business District Support Commercial) to allow development of three multi-family residential apartment buildings. **Moved by Hensley to adopt, and refer to the City Manager to discuss with the stakeholders the various options for moving the building. Motion Carried 7-0.**

[16-0434](#) (1) **First** consideration of ordinance above. **Moved by Hensley that this ordinance be considered and given first vote for passage. Motion Carried 7-0.**

[16-0435](#) 59. **On** request from QuikTrip Corporation for an amendment to the Eastgate Plaza PUD Conceptual Plan at 1424 E. Euclid Avenue and 3629 E. 14<sup>th</sup> Street to allow a new convenience store. **Moved by Westergaard to adopt. Motion Carried 7-0.**

\*\*\* END OF HEARINGS AT 6:18 PM \*\*\*

[16-0436](#) MOTION TO ADJOURN. **Moved by Moore to adjourn at 7:10 PM. Motion Carried 7-0.**

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