



Roll Call Number

14-0050

Agenda Item Number

27

Date January 13, 2014

RESOLUTION SETTING HEARING ON A REQUEST FROM KWIK TRIP, INC. D/B/A TOBACCO OUTLET PLUS REPRESENTED BY DONALD ZIETLOW (OFFICER) TO REZONE PROPERTY LOCATED AT 3409 SOUTHWEST 9TH STREET, TO ALLOW A FUTURE CONDITIONAL USE APPLICATION FOR CONTINUED USE OF THE PROPERTY FOR A BUSINESS WHERE MORE THAN 40 PERCENT OF THE GROSS RECEIPTS FROM SALES MAY BE DERIVED FROM THE SALE OF BEER, WINE OR TOBACCO PRODUCTS

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on December 19, 2013, a motion was passed on a vote of 12-2 to recommend **DENIAL** of a request from Kwik Trip, Inc. D/B/A Tobacco Outlet Plus, represented by Donald Zietlow (Officer), to rezone property located at 3409 SW 9th Street from the "C-1" Neighborhood Retail Commercial District to the "C-2" General Retail and Highway-Oriented Commercial District, to allow a future Conditional Use application for continued use of the property for a business where more than 40 percent of the gross receipts from sales may be derived from the sale of beer, wine or tobacco products.

WHEREAS, the subject property is owned by First Financial Group, LC. and is more specifically described as follows:

Lot 3 and the North 36 feet of Lot 4, DARNES PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on January 27, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.



Roll Call Number

14-0050

Agenda Item Number

27

-2-

Date January 13, 2014

- 2. 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.

MOVED by Hensley to adopt.

FORM APPROVED:

Roger K Brown

Roger K. Brown

Assistant City Attorney

G:\SHARED\LEGAL\BROWN\REZONING\Kwik Trip - 3409 SW 9th\Set Hearing Roll Call.docx

(ZON2013-00187)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
VOSS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

CERTIFICATE

I, DIANE RAUH, 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.

Diane Rauh

City Clerk