

Date ..... January 27, 2020 .....

**RESOLUTION HOLDING HEARING ON REQUESTS FROM  
CASEY'S FOR APPROVAL OF PUD CONCEPTUAL PLAN AND TO  
REZONE PROPERTY LOCATED AT  
3200 AND 3212 SOUTHWEST 9<sup>TH</sup> STREET**

**WHEREAS**, on January 13, 2020, by Roll Call No. 20-0065, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 19, 2019, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Casey's to rezone real property locally known as 3200 and 3212 Southwest 9<sup>th</sup> Street (collectively "Property") from "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District, to "PUD" Planned Unit Development; and

**WHEREAS**, on January 13, 2020, by Roll Call No. 20-0065, the City Council also received a communication from the City Plan and Zoning Commission advising that at a public hearing held on December 19, 2019, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Casey's Marketing Company (Lessee of Tursi, L.C., owner), represented by Marni Beck (officer) to approve the proposed Casey's General Store #1192 PUD Conceptual Plan to allow for redevelopment of the existing 21,664 square foot general food sales store with a 4,817-square foot gas station/convenience store to include sales of wine and beer and a pump canopy with 14 fueling stations, subject to the following conditions to the PUD Conceptual Plan:

1. Reduction of the canopy height for the major portion of the canopy to 18 feet maximum. This would exclude any articulation feature that is designed to break up the expanse of the canopy length.
2. Provision of at least one articulation in the canopy to break the long expanse and cladding of the support columns in brick to match the building, to the satisfaction of the Planning Administrator.
3. Revision of the proposed monument sign to comply with the "FSO" Freestanding Signs Overlay District provisions.
4. Addition of a note indicating that existing overhead electrical utility service lines be placed underground as part of any PUD Development Plan.
5. Provision of Class A sidewalks along both public streets with street tree planters.
6. Provision of decorative iron type fencing in the perimeter lot landscaped area along both Southwest 9<sup>th</sup> Street and Park Avenue.



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- 7. Provision of bicycle racks and outdoor seating areas within the sidewalk area in front of the building. This may require the building to be shifted to the west slightly to accommodate a wider sidewalk in front of the store.

**WHEREAS**, on January 13, 2020, by Roll Call No. 20-0065, it was duly resolved by the City Council that the applications from Casey’s to rezone the Property and for Approval of a PUD Conceptual Plan be set down for hearing on January 27, 2020, at 5:00 P.M., in the Council Chamber at City Hall; 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 amendment to the Zoning Ordinance and Approval of PUD Conceptual Plan; and

**WHEREAS**, in accordance with said notice, those interested in said proposed rezoning and PUD Conceptual Plan approval, 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 3200 and 3212 Southwest 9<sup>th</sup> Street described as:

THE EAST 2 FEET OF LOT ONE (1); LOT TWO (2); LOT THREE (3); LOT FOUR (4); LOT FIVE (5); LOT SIX (6) AND SEVEN (7), EXCEPT BEGINNING AT THE NORTHEAST CORNER OF LOT 6, THENCE SOUTH 132 FEET TO THE NORTHEAST CORNER OF LOT 6, THENCE SOUTH 132 FEET TO THE SOUTHEAST CORNER OF LOT 7, THENCE WEST 23.5 FEET ALONG THE SOUTH LINE OF LOT 7, THENCE NORTH 10.8 FEET, THENCE NORTHWESTERLY 37.06 FEET TO A POINT ON THE NORTH LINE OF LOT 6 WHICH IS 48.5 FEET WEST OF THE NORTHEAST CORNER OF LOT 6, THENCE EAST 48.5 FEET TO THE POINT OF BEGINNING; LOT EIGHT (8), EXCEPT THE EAST 23.5 FEET THEREOF; LOT NINE (9), EXCEPT THE EAST 23.5 FEET THEREOF; ALL IN LITTLETON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA.  
SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD DEED FROM BK7321 PG866

from “C-1” Neighborhood Retail Commercial District and “R1-60” One-Family Low-Density Residential District, to “PUD” Planned Unit Development;

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**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 to "PUD" Planned Unit Development, and to Approval of the PUD Conceptual Plan, with conditions, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The proposed "Casey's General Store #1192 PUD Conceptual Plan", as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is hereby approved, subject to the conditions to the Plan as set forth above

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

Judy K. Parks-Kruse  
 Judy K. Parks-Kruse, Assistant City Attorney

(ZON2019-00220)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
GATTO				
GRAY				
MANDELBAUM				
VOSS				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

**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.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 City Clerk