

**Roll Call Number**10-645**Agenda Item Number**57

April 26, 2010

Date.....

WHEREAS, on April 12, 2010 by Roll Call No. 10-506, it was duly resolved by the City Council that the City Council consider a proposal from Foods, Inc. to rezone certain property located in the vicinity of 3401 and 3407 Ingersoll Avenue, from the NPC District classification to the PUD Planned Unit Development District classification, and that such proposal be set down for hearing on April 26, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 15, 2010, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amended to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 3401 and 3407 Ingersoll Avenue, more fully described as follows (the "Property"):

Land zoned PUD by Ordinance Number 14,744 dated February 11, 2008:

Lots 9, 10 and 11 Crescent Place, an Official Plat; and Lots 16, 17, 18 & 19, Stratford, an Official Plat (Except a portion of Lot 19 beginning at the NW corner of said Lot 19, thence S89°20'55"E, 79.89 feet along the North line of said Lot 19 to a point, thence S89°27'48"W, 69.88 feet to a point; thence S45°24'33"W, 14.06 feet to a point on the West line of said Lot 19; thence N00°00'03"W, 20.04 feet along said West line to the Point of Beginning), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Land to be rezoned from NPC to PUD and added to the above PUD (ordinance number 14744):

Lots 12 & 13, Crescent Place, an Official Plat; (Except a portion of Lot 12, beginning at the Southeast corner of said Lot 12: thence North 89 degrees, 18 minutes, 28 seconds West (all bearings referenced to Grid North Iowa State Plane Coordinate System South Zone) 5.42 feet along the South line of said Lot 12; thence North 11 degrees, 29 minutes, 32 seconds East, 27.72 feet to the East line of said Lot 12; thence South 00 degrees, 13 minute, 14 seconds West, 27.23 feet along said East line to the Point of Beginning), , AN OFFICIAL PLAT all now included in and forming a part of the City of Des Moines, IN POLK COUNTY, IOWA.

from the NPC District classification to the PUD Planned Unit Development District classification; and

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WHEREAS, the Plan and Zoning commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; 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.

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, statements of interested persons and arguments of counsel, the objections to the proposed rezoning and PUD Conceptual Plan are hereby overruled, and the hearing is closed.

2. The proposed rezoning and PUD conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

1. Provision of bike racks near the entrance of the bank.
2. Provision of solid steel gate for any trash enclosure.
3. Restriction of the convenience store and carwash hours of operation from 6:00 A.M. to 11:00 P.M.
4. Use of 60-degree parking stalls where angled parking is designated.
5. Provision of a note that states parking shall be provided for all employees on site.
6. Parapet walls shall have a finished appearance on all sides as approved by the Community Development Director.
7. Provision of functional windows on the south façade of the convenience store to the satisfaction of the Community Development Director.
8. Prohibition of signage on the north façade of the carwash building.
9. Provision of ornamental fencing around the perimeter of the convenience store site along Ingersoll Avenue and 34th Street.

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10. Realignment of the carwash exit toward the convenience store (south).
11. Submission of written certification from the owner's lighting consultant that all site lighting is installed in accordance with the approved lighting plan and does not exceed 1 foot candle at the property lines prior to issuance of a Certificate of Zoning Compliance.
12. The access from the site to 34th needs to be two-way.
13. The City Traffic Engineer should consider no parking along Ingersoll in front of the apartment building.
14. There should be a "NO TRUCK" sign on Woodland Avenue.
15. There should be a curb cut break on the Ingersoll entrance drive for immediate access to the gas pumps.
16. The architecture of the bank should be differentiated from the look of the convenience store.

MOVED by Hensley to continue to the May 10 Council meeting at 5:00PM; refer to the City Manager to arrange a meeting with City staff, Neighborhood Association, Dahls, Ingersoll Business Association and Restoration Ingersoll to work toward a resolution.

FORM APPROVED:

Michael F. Kelley
Michael F. Kelley
Assistant City Attorney

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.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED				

APPROVED

T. M. Franklin
T. M. Franklin
Mayor

Diane Rauh
Diane Rauh
City Clerk