



Roll Call Number

14-1850

Agenda Item Number

29

Date December 8, 2014

RESOLUTION SETTING HEARING ON REQUEST FROM CASEY'S MARKETING COMPANY (OWNER), REPRESENTED BY MELANI SAMORA (AGENT), TO REZONE PROPERTY LOCATED AT 4560 AND 4570 EAST 14TH STREET

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on November 20, 2014, its members voted 9-0 to recommend APPROVAL of a request from Casey's Marketing Company (owner), represented by Melani Samora (agent), to rezone real property locally known as 4560 and 4570 East 14th Street ("Property") and owned by Casey's Marketing Company and by V&C Real Estate, LLC, respectively, from "C-2" General Retail and Highway Oriented Commercial District and Limited "C-2" General Retail and Highway Oriented Commercial District to "PUD" Planned Unit Development, to allow redevelopment of the existing gas station/convenience store into a new 4,606 square foot gas station/convenience store with canopy islands for 10 standard fueling locations and 4 tractor-trailer Diesel fuelling locations; and

WHEREAS, the Property is legally described as follows:

All of Lots 11 and 12 and part of Lot 14 in Stickler Heights, an Official Plat in Polk County, Iowa, described as follows: Commencing at a point 50 feet South and 241.71 feet West of the Northeast corner of Section 23-79-24 (being the Northeast corner of said Lot 14); thence West a distance of 54 feet to the center of the existing special public road connection in said Lot 14; thence South on the center line of said special public road connection a distance of 158.71 feet; thence East to the Southwest corner of Lot 11, Stickler Heights; thence North along the West line of said Lot 11 to the place of beginning; reserving to Grantors, their heirs and assigns a joint easement of access and right of way, of the same extent as that hereinafter described, over the North 45 feet of the West 22 1/2 feet of said land; also an easement of access and right of way over the North 45 feet of the East 22 1/2 feet immediately West of and adjoining the land hereinabove described; and except that part of said Lots 11, 12 and 14 conveyed to the City of Des Moines by Quit Claim Deed recorded in Book 5676 Page 228;

AND

Lot Thirteen (13) in STICKLER HEIGHTS, an official plat in Polk County, Iowa and that part of Lot Fourteen (14) in STICKLER HEIGHTS described as follows:

Beginning at the Northwest Corner of said Lot thirteen (13), thence West Fifty-four feet (54'); thence South Thirty-three feet (33'); thence East Fifty-four-(54'); to the Southwest Corner of Lot Thirteen (13); thence North along the West boundary line of Lot Thirteen (13) a distance of Thirty-three feet (33') to the point of beginning, subject to highway right-of-way and easements and covenants of record;

AND

The South 10.00 feet of the North 201.71 feet of the East 245.71 feet of Lot 14 in Stickler Heights, an Official Plat, lying North and adjacent to Lot 1 in Vista Broadway Industrial Plat 1, an Official Plat, all being in and forming a part of the city of Des Moines, Polk County, Iowa,

SUBJECT, however, to highway right-of-way and easements and covenants of record;

AND

( continued )



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Lot 1 in Vista Broadway Industrial Plat 1, an Official Plat in 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 attached communication from the Plan and Zoning Commission is hereby received and filed.
2. 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 December 22, 2014, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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 Gatto to adopt.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank  
Assistant City Attorney

(ZON2014-00215)

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

MOTION CARRIED

APPROVED

7. M. Franklin Council  
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