



Roll Call Number

14-1964

Agenda Item Number

41

Date December 22, 2014

RESOLUTION HOLDING 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, on December 8, 2014, by Roll Call No. 14-1850, the City Council received a recommendation from the City Plan and Zoning Commission, by a vote of 9-0 of its members, to **APPROVE** 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 to find the requested rezoning in conformance with the existing Des Moines 2020 Community Character Plan, and to approve “PUD” Conceptual Plan with modifications as set forth in the Commission’s recommendation; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on December 11, 2014, as provided by law, setting forth the time and place for hearing on said proposed rezoning; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property, legally described as follows, 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:

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 ½ feet of said land; also an easement of access and right of way over the North 45 feet of the East 22 ½ 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:

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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 feet (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

Lot 1 in Vista Broadway Industrial Plat 1, an Official Plat in the City of Des Moines, Polk County, Iowa; 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 said proposed rezoning of the Property 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 and to the "PUD" Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning of the Property to "PUD" Planned Unit Development and the "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 Conceptual Plan being first amended to satisfy the modifications identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 14-1850, and subject to the

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Community Development Director finding that such modifications have been satisfied by the amendments to the Plan.

MOVED by Mahaffey to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:



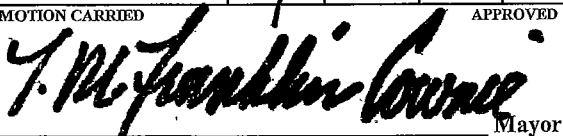
Glenna K. Frank
Assistant City Attorney

(ZON2014-00215)

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

MOTION CARRIED

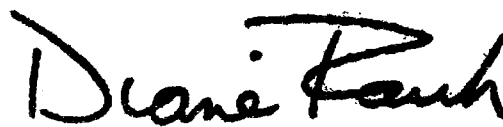
APPROVED


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.



City Clerk