



Roll Call Number

18-0770

Agenda Item Number

22

Date May 7, 2018

**RESOLUTION SETTING HEARING ON APPEAL BY PENTA PARTNERS, LLC OF THE CONDITIONS OF A SITE PLAN FOR PROPERTY LOCATED AT 2544 HUBBELL AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on April 5, 2018, its members voted 12-0 to recommend **APPROVAL** of a request from Penta Partners, LLC (owner), represented by Travis Sisson (officer), for approval of a Site Plan “Classic Autoworx Site Improvements” for property located at 2544 Hubbell Avenue under design guidelines for vehicle display lots to allow the property to be used for vehicle sales, subject to the following conditions:

1. Compliance with all administrative review requirements of the City’s Permit and Development Center.
2. Provision of a 20-foot paving setback along the western property line adjoining an “R” District.
3. Provision of a 20-foot paving setback from the front property line along Hubbell Avenue.
4. Provision of interior parking landscaping that complies with the City’s Landscape Standards.
5. Provision of a minimum required 6-foot tall opaque screen along all adjoining “R” Districts.
6. Provision of a note that states there shall be no elevated display of motor vehicles
7. Provision of a note that states employee and customer parking area shall be clearly designated and shall not be used for the parking, storage or display of motor vehicles for sale, rental or hire.
8. Provision of a note that states all portions of the property used for the outside parking, display or storage of motor vehicles for sale, rental or hire shall be identified on the site plan and the perimeter shall be striped or otherwise conspicuously marked on the parking surface.
9. The two internal access drives to the property to the south shall be removed and curbing in these areas shall be restored.
10. Provision of a 30-foot wide sanitary sewer easement centered on the north/south sewer within the western portion of the property.
11. Revise note on Site Plan to specify all pole mounted lighting shall have a maximum 20-foot pole height; and

**WHEREAS**, Penta Partners, LLC has timely appealed to the City Council pursuant to Municipal Code Section 82-210, seeking to have conditions 2, 3, 9, and 11 set forth above as determined by the Plan and Zoning Commission overturned and/or modified.

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

1. The communication from the Plan and Zoning Commission is hereby received and filed.

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2. The City Council shall consider the appeal by Penta Partners, LLC at a public hearing to be held on May 21, 2018, at 5:00 p.m., in the Council Chambers, City Hall, 400 E. Robert D. Ray Drive.
3. The City Clerk is hereby authorized and directed to publish notice of said hearing in the form hereto attached, in accordance with §362.3 of the Iowa Code.

MOVED by Gray to adopt.

FORM APPROVED:

Glenna K. Frank  
Glenna K. Frank, Assistant City Attorney

(10-2018-7.36)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO				✓
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

MOTION CARRIED

APPROVED

### 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.

T. M. Franklin  
Mayor

Diane Rauh  
City Clerk