



Roll Call Number

18-0936

Agenda Item Number

73

Date May 21, 2018

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

WHEREAS, on May 7, 2018, by Roll Call No. 18-0770, the City Council received a communication from the City Plan and Zoning Commission advising 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 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; and

WHEREAS, on May 7, 2018, by Roll Call No. 18-0770, it was duly resolved by the City Council that the appeal be set down for hearing on May 21, 2018 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 of hearing on said appeal; and

WHEREAS, in accordance with said notice, those interested in said appeal and the proposed site plan, 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, Section 82-210 of the Des Moines Municipal Code provides that upon appeal from the Plan and Zoning Commission, a majority vote of the City Council shall be necessary to overturn the action of the Plan and Zoning Commission regarding a site plan.



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NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts and any statements of interested persons and arguments of counsel, any and all arguments and objections to the Plan and Zoning Commission approval of an amendment to Site Plan "Classic Autoworx Site Improvements" from Penta Partners, LLC for property located at 2544 Hubbell Avenue under design guidelines for vehicle display lots are hereby received, and the public hearing on the appeal and proposed site plan is closed.

MOVED by Westergaard to APPROVE the site plan, subject to the following conditions:

- 1. Compliance with all administrative review requirements of the City's Permit and Development Center.
2. Provision of a 10/15-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 that as light poles are replaced, they must be replaced with poles that meet the City's current specifications.

FORM APPROVED: 12. Require a minimum of 15% greenspace with no reduction of the existing greenspace.

Glenna K. Frank, Assistant City Attorney

(10-2018-7.36)

Table with columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, COLEMAN, GATTO, GRAY, MANDELBAUM, WESTERGAARD, and TOTAL.

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.

Y. M. Franklin, Mayor

Diane Rauh, City Clerk