



Roll Call Number

20-0065

Agenda Item Number

35

Date January 13, 2020

RESOLUTION SETTING HEARING ON CITY-INITIATED REQUEST TO REZONE AND ON REQUEST FROM CASEY'S FOR APPROVAL OF PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED 3200 AND 3212 SOUTHWEST 9TH STREET AND 930 PARK AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that, at a public hearing held on December 19, 2019, its members voted 13-0 in support of a motion to recommend APPROVAL of a City-initiated request to rezone real property locally known as 3200 and 3212 Southwest 9th Street and 930 Park Avenue (collectively "Property") from "C-1" Neighborhood Retail Commercial District and "R1-60" One-Family Low-Density Residential District, to "PUD" Planned Unit Development; and

WHEREAS, the City Plan and Zoning Commission has further advised that, at a public hearing also held on December 19, 2019, its members voted 13-0 in support of a motion to recommend APPROVAL of a request from Casey's Marketing Company (Lessee of Tursi, L.C., owner), represented by Marni Beck (officer) to approve the proposed Casey's General Store #1192 PUD Conceptual Plan to allow for redevelopment of the existing 21,664 square foot general food sales store with a 4,817-square foot gas station/convenience store to include sales of wine and beer and a pump canopy with 14 fueling stations, subject to the following conditions to the PUD Conceptual Plan:

- 1. Reduction of the canopy height for the major portion of the canopy to 18 feet maximum. This would exclude any articulation feature that is designed to break up the expanse of the canopy length.
2. Provision of at least one articulation in the canopy to break the long expanse and cladding of the support columns in brick to match the building, to the satisfaction of the Planning Administrator.
3. Revision of the proposed monument sign to comply with the "FSO" Freestanding Signs Overlay District provisions.
4. Addition of a note indicating that existing overhead electrical utility service lines be placed underground as part of any PUD Development Plan.
5. Provision of Class A sidewalks along both public streets with street tree planters.
6. Provision of decorative iron type fencing in the perimeter lot landscaped area along both Southwest 9th Street and Park Avenue.
7. Provision of bicycle racks and outdoor seating areas within the sidewalk area in front of the building. This may require the building to be shifted to the west slightly to accommodate a wider sidewalk in front of the store.

WHEREAS, the Property is legally described as follows: THE EAST 2 FEET OF LOT ONE (1); LOT TWO (2); LOT THREE (3); LOT FOUR (4); LOT FIVE (5); LOT SIX (6) AND SEVEN (7), EXCEPT BEGINNING AT THE NORTHEAST CORNER



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OF LOT 6, THENCE SOUTH 132 FEET TO THE NORTHEAST CORNER OF LOT 6, THENCE SOUTH 132 FEET TO THE SOUTHEAST CORNER OF LOT 7, THENCE WEST 23.5 FEET ALONG THE SOUTH LINE OF LOT 7, THENCE NORTH 10.8 FEET, THENCE NORTHWESTERLY 37.06 FEET TO A POINT ON THE NORTH LINE OF LOT 6 WHICH IS 48.5 FEET WEST OF THE NORTHEAST CORNER OF LOT 6, THENCE EAST 48.5 FEET TO THE POINT OF BEGINNING; LOT EIGHT (8), EXCEPT THE EAST 23.5 FEET THEREOF; LOT NINE (9), EXCEPT THE EAST 23.5 FEET THEREOF; ALL IN LITTLETON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD DEED FROM BK7321 PG866

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 and proposed PUD Conceptual Plan is to be considered shall be held at the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, at 5:00 p.m. on January 27, 2020, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals 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:

Judy K. Parks-Kruse, Assistant City Attorney

(ZON2019-00220)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, GRAY, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL.

CERTIFICATE

I, P. Kay Cmelik, 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.

Mayor signature

City Clerk signature