



Roll Call Number

20-0948

Agenda Item Number

101

Date June 8, 2020

RESOLUTION HOLDING HEARING ON REQUEST FROM CASEY’S MARKETING COMPANY FOR APPROVAL OF PUD FINAL DEVELOPMENT PLAN FOR “CASEY’S STORE NO. 1192” FOR PROPERTY AT 3200 SOUTHWEST 9TH STREET

WHEREAS, on May 18, 2020, by Roll Call No. 20-0821, the City Council received a communication from the City Plan and Zoning Commission advising on May 7, 2020, the City Plan and Zoning Commission voted 12-0 to **APPROVE** a request from Casey’s Marketing Company (lessee), represented by Marni Beck (officer), to approve the PUD Final Development Plan for “Casey’s Store No. 1192” on property located at 3200 Southwest 9th Street (“Property”) to allow redevelopment of the existing 21,664 square foot general food sales store with a 4,817 square foot limited retail sales store with pump island canopy with 14 fueling locations, subject to the following revisions:

1. Compliance with all administrative review requirements for the Final Development Plan in accordance with the previously approved PUD Conceptual Plan.
2. Provision of Public Pedestrian Easements in locations where the public sidewalk would encroach into the site.
3. Provision of cross access easements on the Final Development Plan to ensure share use of the southeastern driveway and parking maneuvering with the commercial center to the south.
4. Provision of a signature landscape feature at the intersection of Southwest 9th Street and Park Avenue in compliance with the requirements of the PUD Conceptual Plan.
5. Designation of seasonal merchandise display areas.
6. Modification of the lighting to ensure that it complies with maximums of 2.0 footcandles at property lines across the street or adjoining commercial use and 0.5 footcandles across from or adjoining residential use; and

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 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; and

WHEREAS, on May 18, 2020, by Roll Call No. 20-0821, it was duly resolved by the City Council that the request for approval of the PUD Final Development Plan be set down for hearing on June 8, 2020 at 5:00 p.m., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage



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and maintain social distancing to curb the spread of COVID19 in the community, with or without public access to the meeting location.; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed PUD Final Development Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed PUD Final Development Plan, 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, and any and all statements of interested persons and arguments of counsel, any objections to the proposed PUD Final Development Plan for "Casey's Store No. 1192" are hereby overruled, and the hearing is closed.
2. The proposed PUD Final Development Plan for "Casey's Store No. 1192", as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to revision and conditions stated above.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

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

(10-2020-7.93)

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| BOESEN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| MANDELBAUM | ✓ | | | |
| VOSS | ✓ | | | |
| WESTERGAARD | ✓ | | | |
| TOTAL | 7 | | | |

MOTION CARRIED

APPROVED

J. M. Franklin Cownie
Mayor

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.

P. Kay Cmelik

City Clerk