



Roll Call Number

22-1055

Agenda Item Number

56 ✓

Date June 27, 2022

RESOLUTION HOLDING HEARING REGARDING REQUEST FROM COLE OF PHOENIX AZ, LLC (OWNER), REPRESENTED BY TODD J. WEISS (OFFICER), FOR REVIEW AND APPROVAL OF A 3RD AMENDMENT TO THE DAHL'S ON INGERSOLL PUD CONCEPTUAL PLAN, ON THE PROPERTY LOCATED AT 3401 INGERSOLL AVENUE, TO ALLOW ADDITIONAL SIGNAGE INCLUDING ELECTRONIC SIGNS ON A CONVENIENCE STORE

WHEREAS, on June 2, 2022, the City Plan and Zoning Commission considered a request from Cole of Phoenix AZ, LLC (owner), represented by Todd J. Weiss (officer) for review and approval of a 3rd amendment to the Dahl's on Ingersoll PUD Conceptual Plan, for property located at 3401 Ingersoll Avenue, to allow additional signage on the convenience store, including electronic signs; and

WHEREAS, the City Plan and Zoning Commission voted 6-3-1 to **APPROVE** the 3rd amendment to the Dahl's on Ingersoll PUD Conceptual Plan to allow additional LED fuel pricing signage on the west façade of the convenience store, subject to the following:

1. An electronic sign shall be allowed on the west façade of the building only, and not on the east façade.
2. Any electronic sign shall comply with the illumination requirements contained in Des Moines Municipal Code Section 134-5.7.6.
3. A final copy of the amended sheets of the PUD Conceptual Plan shall be submitted to the Planning Administrator for permanent record.

WHEREAS, the Property is legally described as follows:

Lots 9, 10 and 11 Crescent Place; and lots 16, 17, 18 & 19, Stratford (except a portion of lot 19 beginning at the NW corner of said lot 19, thence S89°20'55"E, 79.89 feet along the north line of said lot 19 to a point; thence S00°01'52"W, 9.92 feet to a point; thence 89°27'48"W, 69.88 feet to a point; thence S45°24'33"W, 14.06 feet to a point on the west line of said lot 19; thence N00°00'03", 20.04 feet along said west line to the point of beginning), and lots 12 & 13, Crescent Place (except a portion of lot 12, beginning at the southeast corner of said lot 12; thence N89°18'28"W (all bearings referenced to grid North Iowa State Plane Coordinate System South Zone) 5.42 feet along the south line of said lot 12; thence N11°29'32"E, 27.72 feet to the east line of said lot 12; thence S00°13'14"W, 27.23 feet along said east line to the point of beginning) as recorded in book 1285, page 429, City of Des Moines, Polk County, Iowa containing 5.98 acres more or less.

WHEREAS, on June 13, 2022, by Roll Call No. 22-0884, it was duly resolved by the City Council that the request for approval of the 3rd Amendment to the Dahl's on Ingersoll PUD Conceptual Plan be set down for hearing on June 27, 2022, at 5:00 p.m., at the City Council Chambers; and



Roll Call Number

22-1055

Agenda Item Number

56 ✓

Date June 27, 2022

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 3rd Amendment to the Dahl's on Ingersoll PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed 3rd Amendment to the Dahl's on Ingersoll PUD Conceptual 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 3rd Amendment to the Dahl's on Ingersoll PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. ALTERNATIVE RESOLUTIONS:
 - a. The proposed 3rd Amendment to the Dahl's on Ingersoll PUD Conceptual Plan, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as stated above, subject to revisions to the Plan as set forth above, which would allow an electronic sign on the west façade of the building only.
 - b. The proposed 3rd Amendment to the Dahl's on Ingersoll PUD Conceptual Plan, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved as proposed by the Applicant and as recommended by City staff, which would allow an electronic sign on both the west façade and east façade of the building.

Affirmative votes of three-fourths of the council members who are not disqualified by reason of a conflict of interest are required to approve this alternative. Des Moines City Code §134-6.3.9 & Iowa Code §362.6 .

- c. Deny the proposed 3rd Amendment to the Dahl's on Ingersoll PUD Conceptual Plan.



Roll Call Number

22-1055

Agenda Item Number

56

Date June 27, 2022

MOVED by Voss to adopt SECOND by Coronie alternative a.

FORM APPROVED:

/s/ Lisa A. Wieland Lisa A. Wieland Assistant City Attorney

(ZONG-2022-000003)

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

MOTION CARRIED APPROVED J. M. Franklin Coronie Mayor

CERTIFICATE

I, LAURA BAUMGARTNER, Acting 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.

Laura Baumgartner Acting City Clerk