



Roll Call Number

22-1190

Agenda Item Number

58

Date July 18, 2022

RESOLUTION HOLDING HEARING REGARDING REQUEST FROM STONEY POINTE CAR WASH, LLC (OWNER), REPRESENTED BY LLOYD D. LINN (OFFICER), FOR REVIEW AND APPROVAL OF A 2ND AMENDMENT TO THE STONEY POINTE PUD CONCEPTUAL PLAN, ON PROPERTY LOCATED AT 5901 SOUTHEAST 14TH STREET, TO ALLOW A RESTAURANT WITH A DRIVE THROUGH USE

WHEREAS, on June 16, 2022, the City Plan and Zoning Commission considered a request from Stoney Point Car Wash, LLC (owner), represented by Lloyd D. Linn (officer), for review and approval of a 2nd amendment to the Stoney Pointe PUD Conceptual Plan, on property located at 5901 Southeast 14th Street, to allow a restaurant with drive through use; and

WHEREAS, the City Plan and Zoning Commission voted 12-0 to **APPROVE** the a 2nd amendment to the Stoney Pointe PUD Conceptual Plan, on property located at 5901 Southeast 14th Street, to allow a restaurant with drive through use, subject to the following conditions:

1. Reduction in the building setback from SE 14th Street to the satisfaction of the Planning & Urban Design Administrator.
2. Any proposed signage shall comply with the requirements for the MX3 District.
3. Addition of the following notes on the “PUD” Conceptual Plan:
 - a) Development of the site must comply with the Tree Removal and Mitigation Ordinance contained in Chapter 42, Article X, of the City Code.
 - b) Any grading is subject to an approved grading permit and soil erosion control plan, as well as a Stormwater Pollution Protection Plan (SWPPP) approved by the Iowa DNR.

WHEREAS, the Property is legally described as follows:

LOT 1 IN STONEY POINTE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

WHEREAS, on June 27, 2022, by Roll Call No. 22-1001, it was duly resolved by the City Council that the request for approval of the 2nd Amendment to the Stoney Pointe PUD Conceptual Plan be set down for hearing on July 18, 2022, at 5:00 p.m., at the City Council Chambers; 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 2nd Amendment to the Stoney Pointe PUD Conceptual Plan; and



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WHEREAS, in accordance with said notice, those interested in said proposed 2nd Amendment to the Stoney Pointe 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 2nd Amendment to the Stoney Pointe PUD Conceptual Plan are hereby overruled, and the hearing is closed.
2. The proposed 2nd Amendment to the Stoney Pointe 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 conditions set forth above.

MOVED by Gatto to adopt, SECOND by Mandelbaum

FORM APPROVED: /s/ Lisa A. Wieland Lisa A. Wieland Assistant City Attorney

(ZONG-2022-000049)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, BOESEN, GATTO, SHEUMAKER, MANDELBAUM, VOSS, WESTERGAARD, and TOTAL (7 yeas).

MOTION CARRIED APPROVED J. M. Franklin Cownie 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