



Roll Call Number

22-0884

Agenda Item Number

35 ✓

Date June 13, 2022

RESOLUTION SETTING 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.

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 3rd Amendment to the to the Dahl's



Roll Call Number

22-0884

Agenda Item Number

35

Date June 13, 2022

on Ingersoll PUD Conceptual Plan is to be considered, shall be held at 5:00 p.m. on June 27, 2022, in the Council Chambers, City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, 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 proposal 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 Sections 362.3 and 414.4 of the Iowa Code.

MOVED by Gatto to adopt.
SECOND by Voss

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 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