

Date January 28, 2008

WHEREAS, on January 7, 2008, by Roll Call No. 08-036, it was duly resolved by the City Council, that the City Council consider a proposal from Foods, Inc. (owner) to rezone certain property located in the vicinity of 3425 Ingersoll Avenue, Des Moines, Iowa 50312 from the NPC and R1-60 District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on January 28, 2008, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on January 17, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 3420 Ingersoll Avenue, Des Moines, Iowa 50312, more fully described as follows (the "Property"):

Lots 9, 10 and 11 Crescent Place, an Official Plat; and Lots 16, 17, 18 & 19, Stratford, an Official Plat (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 S89°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"W, 20.04 feet along said West line to the Point of Beginning), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the NPC and R1-60 District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, 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, statements of interested persons and arguments of counsel, the objections to said proposed rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

2. The proposed rezoning and PUD Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

★ **Roll Call Number**

Agenda Item Number

52

Date January 28, 2008

3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended to satisfy the following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

The Conceptual Plan shall be amended as set forth in the attached letter from the Planning Administrator.

(Council Communication No. *08-037*)

MOVED by _____ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

CERTIFICATE

I, DIANE RAUH, 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.

MOTION CARRIED

APPROVED

Mayor

City Clerk

52

Rauh, Diane I.

From: Atkins, Debra F.
Sent: Tuesday, January 15, 2008 10:27 AM
To: Rauh, Diane I.
Subject: FW: to P & Z committee re Dahl's grocery store proposal

Diane:

Please include this in the packet for the January 28, 2007 Council Hearing on Dahl's. P&Z already reviewed the item.

Thank you!

Deb

From: dkoethe@mchsi.com [mailto:dkoethe@mchsi.com]
Sent: Tuesday, January 15, 2008 9:15 AM
To: Atkins, Debra F.
Subject: to P & Z committee re Dahl's grocery store proposal

Please forward this to the members of the Plan & Zoning Commission as we discussed on the phone.
Thank you so much!
Sarah Koethe

Dear Plan & Zoning Commission Member:

The North of Grand Neighborhood Association, as you know, is very concerned about the new Dahl's grocery store at 35th and Ingersoll. One of their concerns that they have expressed over and over again is that they would like to preserve the house that Dahl's recently purchased on 34th Street.

Neighbors, members and the president of NOG, Kimberly Hansen, have asked me if I would consider preserving the house by moving it to another site, since I have done that three different times in this same neighborhood already.

I have responded to their request by telling them that I would be more than willing to move the house. Since Dahl's has not responded to my concerns or NOG's concerns in willingness to allow the house to be moved, we are concerned that they may not respond affirmatively.

Therefore, it is my request that you would consider making it a stipulation that they must preserve the house by allowing it to be moved, when approving Dahl's PUD Concept Plan.

I have a property lot for the house to be moved to in the Woodland-Wilke Neighborhood. The house could be moved before it would interfere with their construction, and I am a proven, qualified mover. I have been responsible for preserving 2 of the houses that the City of Des Moines and NOG wanted preserved from the St. Augustine Church & Plymouth Congregational Church expansions in 2001 on 41st street between Grand and Ingersoll. I am also responsible for preserving a house from the DOT that was scheduled for demolition on 31st street by the freeway in 2004.

1/15/2008

I sincerely appreciate your time concerning this matter. Please give me a call if you have any further questions.

Duane Koethe
Four Seasons Apartments
3003 Woodland Ave
Des Moines IA 50312

P.S. I am also the owner of Four Seasons II property directly north of Dahl's store at the corner of 35th and Woodland. In my request, just like Dahl's request, I also asked for less than a 30 foot setback from Woodland Avenue. My request was denied and I had to adhere to the 30-foot setback. It would seem appropriate that Dahl's would be required to meet the same standards. Notwithstanding the fact that their north facade at the corner of 35th and Woodland is 29 feet tall and continues east to a height of 34 feet tall. This certainly would create a "tunnel" effect on Woodland which is a street of only 17-1/2 feet wide.