

★ **Roll Call Number**

Agenda Item Number

33

Date December 3, 2007

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4444 Douglas Avenue from the "R1-60" One-Family Low-Density Residential District and the "C-2" General Retail and Highway Oriented Commercial District to the "PUD" Planned Unit Development District classification",

which was considered and voted upon under Roll Call No. 07- 2241 of November 19, 2007; again presented.

MOVED by _____ that this ordinance be considered and given second vote for passage.

(Second of three required readings)

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.

_____ City Clerk

MOTION CARRIED

APPROVED

.....
Mayor

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Prepared by: Roger K. Brown, Assistant City Attorney, 400 Robert D. Ray Drive, Des Moines, IA
50309 515/283-4541

Return Address: City Clerk - City Hall, 400 Robert D. Ray Dr., Des Moines, IA 50309

Title of Document: City of Des Moines, Ordinance No. _____

Grantor/Grantee: City of Des Moines, Iowa

Legal Description: See page ____, below.

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4444 Douglas Avenue from the "R1-60" One-Family Low-Density Residential District and the "C-2" General Retail and Highway Oriented Commercial District to the "PUD" Planned Unit Development District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 4444 Douglas Avenue, more fully described as follows:

THAT PART OF PHILPOTT ACRES, AN OFFICIAL PLAT INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PART OF LOTS 2 & 3 IN SAID PHILPOTT ACRES, COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3; THENCE N89°54'55"W, 256.59 FEET ALONG THE SOUTH LINE OF SAID LOT 3 TO THE POINT OF BEGINNING; THENCE N89°54'55"W, 141.97 FEET ALONG THE SOUTH LINE OF SAID LOT 3 TO THE

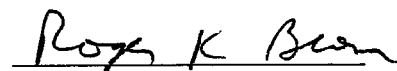
SOUTHWEST CORNER OF SAID LOT 3; THENCE 00°14'57"E, 19.05 FEET ALONG THE WEST LINE OF SAID LOTS 2 & 3 TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE N89°52'40"E, 149.80 FEET ALONG THE NORTH LINE OF SAID LOT 2; THENCE S00°14'57"W, 25.0 FEET; THENCE N89°52'40"E, 51.31 FEET; THENCE S00°34'37"W, 37.62 FEET; THENCE S89°50'27"W, 13.42 FEET; THENCE S00°19'08"W, 21.44 FEET; THENCE N89°46'11"W, 45.92 FEET; THENCE S00°01'33"W, 115.82 FEET TO THE POINT OF BEGINNING; AND, THE SOUTH 183 FEET OF LOT 7; LOT 8 EXCEPT THE EAST 9 FEET OF THE NORTH 147.25 FEET; ALL OF LOTS 9, 10, 16, AND 17; AND THE EAST 85 FEET OF LOT 15.

from the "R1-60" One-Family Low-Density Residential District and the "C-2" General Retail and Highway Oriented Commercial District to the "PUD" Planned Unit Development District classification.

Sec. 2. This ordinance shall be in full force and effect from and after the later of its passage and publication as provided by law.

Sec. 3. That the City Clerk is hereby authorized and directed to cause certified copies of the vicinity map, this ordinance, and proof of publication of this ordinance to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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Request from A & C Properties (purchaser) represented by Kermit Anderson (officer) to rezone property located at 4444 Douglas Avenue and approve a PUD Conceptual Plan for "Beaverdale Hy-Vee". Subject property is owned by Bernard J. Connolly Trust, Mary Ellen Connolly, Trinity Land Holdings, L.C., Morie T. Sorenson, Rusveta Islamovic, Dean E. Rottinghaus, Knapp Homes, L.L.C., Ronald R. Borg, Lisa J. Carlson, Maggie A. Bock, Emery C. Bubany, and A & D Investment Company.		File # ZON2007-00143			
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway Oriented Commercial District to "PUD" Planned Unit Development and approve a PUD Conceptual Plan to allow for redevelopment of the subject property for a 63,880 square foot supermarket with 349 spaces of off-street parking.				
2020 Community Character Plan	Low-Density Residential and Commercial: Auto-Oriented Small-Scale Strip Development.				
Horizon 2025 Transportation Plan	Douglas Avenue from Merle Hay Road to Lower Beaver Road to widen from 4 lane undivided to 5 lane undivided.				
Current Zoning District	"R1-60" One-Family Low-Density Residential District and "C-2" General Retail and Highway Oriented Commercial District.				
Proposed Zoning District	"PUD" Planned Unit Development District.				
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition	
Inside Area					
Outside Area	11	115	0	<20%	
Plan and Zoning Commission Action	Approval	10-1	Required 6/7 Vote of the City Council	Yes	
	Denial			No	X

A & C Properties (Beaverdale HyVee PUD) - 4444 Douglas Avenue ZON2007-00143

