

Date February 28, 2011

WHEREAS, on February 14, by Roll Call No. 11-0203, the City Council duly resolved to hold a public hearing on February 28, 2011, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Army Post Development, L.C. to amend the approved PUD Planned Unit Development District Conceptual Plan for the Airport Business Park Phase II PUD to provide for changes to the public street network and lot configuration of the business park to allow development of a new warehouse facility; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on February 17, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Director; and,

WHEREAS, in accordance with the published notice those interested in the proposed amendment to the approved 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, statements of interested persons and arguments of counsel, the objections to the proposed amendments to the approved PUD Conceptual Plan for the property referred to as Airport Business Park Phase II PUD, and more specifically described below, are hereby overruled and the hearing is closed.

LOTS 3, 7 AND EXCEPT THE WEST 2.9754 ACRES OF LOT 6 AND ALL OF OUTLOTS X AND Y, AIRPORT BUSINESS PARK PLAT 1, AN OFFICIAL PLAT AND THAT PART OF LOT A, OF SAID AIRPORT BUSINESS PARK PLAT 1, LYING SOUTH OF SAID LOT 3 AND LYING EAST OF THE SOUTH EXTENSION OF THE WEST LINE OF SAID LOT 3; AND THE SOUTH 1/2 F THE SOUTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND ALL THAT PART OF THE EAST 1/2 OF THE WEST 1/2 OF THE NORTHEAST 1/4 LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF RELOCATED ARMY POST ROAD, ALL IN SECTION 31, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5th P.M., ALL NOW INCLUDED WITHIN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, SUBJECT TO LEGALLY ESTABLISHED HIGHWAYS.

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

3. The amended 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 conditions recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Director, and subject to approval of such amendments by the Community Development Director.

MOVED by _____ to adopt.

APPROVED AS TO FORM:


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				

MOTION CARRIED APPROVED

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.

 Mayor

 City Clerk