

Date February 28, 2011

WHEREAS, on February 14, by Roll Call No. 11-0207, 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 Git-N-Go Convenience Stores, Inc. to amend the approved PUD Planned Unit Development District Conceptual Plan for the Southern Ridge PUD located in the vicinity of 9536 County Line Road, to allow the existing convenience store site to be redeveloped with a 3,000 square foot convenience store building and 12 fueling locations, and to add a 90 foot strip of land that was recently annexed into the City of Des Moines to incorporate with single-family lots at the southern perimeter of the development; 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 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 in the vicinity of 9536 County Line Road, and more specifically described below, are hereby overruled and the hearing is closed.

**A-1 to PUD Area**

A PARCEL OF LAND IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 4; THENCE S89°36'23"E, 1308.50' ALONG THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 4; THENCE N00°56'49"W, 90.00 FEET TO A POINT; THENCE S89°53'46"E, 1308.50' FEET TO A POINT ON THE EAST LINE OF SAID SECTION 4; THENCE S00°04'28"E, 90.00 FEET ALONG THE EAST LINE OF SAID SECTION 4 TO THE POINT BEGINNING.

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**C-2 to PUD**

A PARCEL OF LAND IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4; THENCE S00°07'58"E, 40.00 FEET ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4 TO THE POINT OF BEGINNING; THENCE CONTINUING S00°07'58"E, 176.03 FEET ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4 TO A POINT; THENCE S89°58'59"E, 225.33 FEET TO A POINT; THENCE N00°10'46"E, 175.69 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF COUNTYLINE ROAD; THENCE N89°53'48"W, 225.19 FEET ALONG SAID SOUTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING AND CONTAINING 0.91 ACRES MORE OR LESS.

**Existing PUD with areas to be rezoned PUD added**

A PARCEL OF LAND IN THE EAST 1/2 OF SECTION 4, TOWNSHIP 77 NORTH, RANGE 24 WEST OF THE 5TH P.M., WARREN COUNTY, IOWA, THAT IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST 1/4 CORNER OF SAID SECTION 4; THENCE S89°36'23"E, 1308.50' ALONG THE SOUTH LINE OF THE NE 1/4 OF SAID SECTION 4; THENCE N00°56'49"W, 645.18 FEET TO THE NORTHEAST CORNER OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE S89°45'16"W, 1318.40 FEET ALONG THE NORTH LINE OF SAID SOUTH 1/2 TO A POINT ON THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE N00°07'58"W, 1946.66 FEET ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4 TO A POINT; THENCE S89°53'48"E, 2197.95 FEET ALONG THE SOUTH RIGHT-OF-WAY LINE OF COUNTYLINE ROAD TO A POINT; THENCE S00°07'32"E, 800.00 FEET TO A POINT; THENCE S89°53'46"E, 440.00 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 4; THENCE S00°04'28"E, 1790.32 FEET ALONG THE EAST LINE OF SAID SECTION 4 TO THE POINT BEGINNING AND CONTAINING 128.97 ACRES MORE OR LESS.

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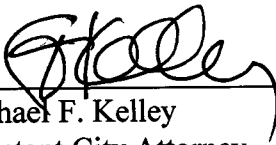
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2. The proposed amended PUD Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

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	
_____ Mayor				

**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