

Date December 2, 2019

**RESOLUTION DISMISSING HEARING ON REQUEST FROM 50<sup>TH</sup> AND DOUGLAS, LLC  
TO REZONE PROPERTY IN THE VICINITY OF 3905 50<sup>TH</sup> STREET**

**WHEREAS**, on August 20, 2018, by Roll Call No. 18-1404, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 2, 2018, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 50<sup>th</sup> and Douglas, LLC (owner), represented by Matt Connolly (officer), to rezone real property in the vicinity of 3905 50<sup>th</sup> Street (“Property”) from “R1-60” One-Family Low-Density Residential District to “PUD” Planned Unit Development District, and for approval of a PUD Conceptual Plan “Beaverdale Townhomes”, for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50<sup>th</sup> Street, subject to the following revisions to the PUD Conceptual Plan as stated in said Roll Call; and

**WHEREAS**, on August 20, 2018, by Roll Call No. 18-1404, it was duly resolved by the City Council that the application from 50<sup>th</sup> and Douglas, LLC to rezone the Property, legally described as follows, and for approval of the PUD Conceptual Plan, be set down for hearing on September 10, 2018 at 5:00 P.M., in the Council Chamber at City Hall:

LOT 16 SENG A PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

LOT 15 (EXCEPT THE WEST 130 FEET) IN SENG A PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

THE EAST 204.2 FEET OF LOT 14 IN SENG A PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

LOT 11 (EXCEPT THE WEST 140 FEET) IN SENG A PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

THE WEST 140 FEET OF LOT 13 IN SENG A PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 13 (EXCEPT THE WEST 140 FEET) IN SENG A PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

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Date December 2, 2019

THE WEST 140 FEET OF LOT 12 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 12 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE WEST 140 FEET OF LOT 10 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 10 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE WEST 140 FEET OF LOT 9 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 9 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE WEST 140 FEET OF LOT 8 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 8 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;  
AND

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

**WHEREAS**, at the applicant's request, said hearing was opened and continued by City Council on September 10, 2018 by Roll Call No. 18-1557, on October 22, 2018 by Roll Call No. 18-1795, on December 17, 2018 by Roll Call No. 18-2109, on February 25, 2019 by Roll Call No. 19-0313, and on May 6, 2019 by Roll Call No. 19-0754; and

★ Roll Call Number

Agenda Item Number  
47

Date December 2, 2019

WHEREAS, thereafter 50<sup>th</sup> and Douglas, LLC requested to withdraw its application for the proposed rezoning of the Property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of property in the vicinity of 3905 50<sup>th</sup> Street from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District, and for approval of a PUD Conceptual Plan "Beaverdale Townhomes", is hereby dismissed, and the matter of the proposed rezoning and PUD Conceptual Plan is withdrawn from City Council consideration.

MOVED BY \_\_\_\_\_ TO ADOPT.

FORM APPROVED:

  
\_\_\_\_\_  
Glenna K. Frank, Assistant City Attorney

(ZON2018-00137)

**CERTIFICATE**

I, P. KAY CMELIK, 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.

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE         |      |      |      |        |
| BOESEN         |      |      |      |        |
| COLEMAN        |      |      |      |        |
| GATTO          |      |      |      |        |
| GRAY           |      |      |      |        |
| MANDELBAUM     |      |      |      |        |
| WESTERGAARD    |      |      |      |        |
| TOTAL          |      |      |      |        |

MOTION CARRIED APPROVED

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk