

Date February 28, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 20, 2011, its members voted 11-0 support of a motion to recommend APPROVAL of a request from Git-N-Go Convenience Stores, Inc. (owner), to rezone property located at 9536 County Line Road from Limited C-2 General Retail and Highway-Oriented Commercial District to PUD Planned Unit Development, and additional property owned by West Lakes Properties, LC. from A-1 Agricultural District to PUD Planned Unit Development.

The subject property is more specifically described as follows:

**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.

**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.

★ Roll Call Number  
11-0356

Agenda Item Number  
55 B

Date February 28, 2011

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WHEREAS, on February 14, 2011 by Roll Call No. 11-0207, the City Council set the public hearing on the proposed rezoning for 5:00 p.m. on February 28, 2011 in Council Chambers at City Hall in order to hear both those who favor and those who oppose the proposal; and

WHEREAS, notice of the hearing was published according to law in the Des Moines Register on February 17, 2011, setting forth the time and place for the hearing on the proposed rezoning; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property as described herein from Limited C-2 and A-1 District classifications to the PUD Planned Unit Development District classification; and

WHEREAS, in accordance with the published notice those interested in the proposed rezoning, both for and against, have been given opportunity to be heard and have presented their views to 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 rezoning are hereby overruled, and the hearing is closed.

2. The proposed rezoning from the C-2 and A-1 District classifications to the PUD Planned Unit Development classification is hereby APPROVED.

FORM APPROVED:

MOVED by Meyer to adopt.

Michael F. Kelley  
Michael F. Kelley, Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

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.

T. M. Franklin  
T. M. Franklin, Mayor

Diane Rauh  
Diane Rauh, City Clerk