

11-0463

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Date March 14, 2011

WHEREAS, on February 28, 2011, by Roll Call No. 11-0307, the City Council duly resolved to consider a proposal from Kum & Go, LC to rezone certain property located in the vicinity of 5830 and 5832 Southeast 14th Street from the C-2 General Retail and Highway-Oriented Commercial District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on March 14, 2011, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on March 3, 2011, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 5830 and 5832 Southeast 14th Street, more fully described as follows (the "Property"):

A TRACT OF LAND LOCATED IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4) OF SECTION 27, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA.

ALSO PART OF LOT 1, BOWLARAMA PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4); THENCE S89°04'35"E, 59.87 FEET TO THE POINT OF BEGINNING; THENCE ON THE WESTERLY RIGHT OF WAY LINE OF SOUTHEAST 14TH STREET, S00°07'25"E, 285.71 FEET; THENCE CONTINUING ON SAID WESTERLY RIGHT OF WAY LINE, S45°04'47"W, 10.68 FEET TO A POINT INTERSECTING THE RIGHT OF WAY LINES OF SOUTHEAST 14TH STREET AND EAST DIEHL AVENUE; THENCE ON THE NORTHERLY RIGHT OF WAY LINE OF EAST DIEHL AVENUE, N89°27'52"W, 143.15 FEET; THENCE CONTINUING ON SAID NORTHERLY RIGHT OF WAY LINE, S88°27'11"W, 159.60 FEET; THENCE N00°00'26"E, 75.36 FEET; THENCE N39°24'40"E, 31.74 FEET; THENCE N00°00'26"E, 199.31 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHEAST QUARTER (NW1/4 SE1/4); THENCE ON SAID NORTH LINE, N89°24'44"W, 289.46 FEET TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES MORE OR LESS.

from the C-2 District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

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WHEREAS, in accordance with the notice those interested in the proposed rezoning, 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 rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

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

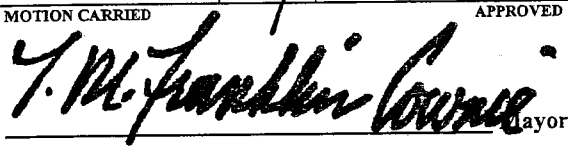
3. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby approved, subject to the plan being first amended as set forth in the attached letter from the Planning Director, and subject to the Community Development Director finding that the conditions have been satisfied by the amendments to the plan:

MOVED by Meyer to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

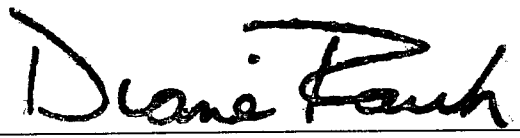
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED 7 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