

12-05162

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Date April 9, 2012

WHEREAS, on March 26, 2012, by Roll Call No. 12-0459, it was duly resolved by the City Council, that a public hearing to be held on April 9, 2012, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from Wesley Retirement Services, Inc. to amend the approved Wesley Acres PUD Conceptual Plan for property located at 3520 Grand Avenue to allow beer and wine sales for on-site consumption as part of the food service for residents as a permitted use, to make revisions to the allowed signage program to accommodate new branding, and to define the permitted exterior design for a 5,470-square foot adult daycare building addition; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on March 29, 2012, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, at a public hearing on March 15, 2012, the Plan and Zoning Commission recommended by a vote of 10-0 that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the following conditions and subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator:

1. Compliance with administrative review comments of final PUD Conceptual Plan documents.
2. Limitation of the beer and wine sales to the Grand Dining Center, with access restricted to residents, employees, and their guests only. Consumption and sales shall not occur and closer than 900 feet to any daycare or preschool use within the property.
3. Issuance of sign permits for all the installed signs described on the amendment and provision of a key in the Conceptual Plan to show location of each separate sign in the sign plan to a location on the site along with details of external illumination. A note should be included that no external illumination of any sign shall be directed onto any adjoining residential property.

WHEREAS, in accordance with the published notice those interested in said 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.

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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 said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 3520 Grand Avenue, and more specifically described below, are hereby overruled and the hearing is closed.

Lot 1 Official Plat of Lot 5 of Pierce's Subdivision of the North 1/2 of the Northeast 1/4 of Section 7, Township 78, Range 24 West of the 5th P.M and Lots 3 and 4 of the Official Plat of Lots 1 through 24 of Section 7, Township 78, Range 24 West of the 5th P.M., except that part described as follows:

Commencing at the Northeast corner of said Lot 1; thence South 0° (Degrees) $09'$ (Minutes) $57''$ (Seconds) East along the Easterly line of said Lot 1, a distance of 617.54 feet; thence South $89^{\circ} 45' 23''$ East along the Northerly line of said Lot 1, a distance of 165.15 feet; thence South $0^{\circ} 04' 49''$ East along the East line of said Lot 1, a distance of 333.0 feet to the Point of Beginning; thence South $0^{\circ} 04' 49''$ East along the East line of said Lot 1, a distance of 325.15 feet to the Southeast corner of said Lot 1; thence North $89^{\circ} 26' 27''$ West along the South line of said Lot 1, a distance of 263.37 feet; thence North $0^{\circ} 15' 28''$ West, 259.0 feet; thence North $45^{\circ} 00' 00''$ East 91.12 feet; thence North $89^{\circ} 45' 23''$ East, 199.64 feet to the Point of Beginning; and that part of the South 200.0 feet of the North 540.0 feet of Lot 5 (except the West 33 feet thereof) of the Official Plat Lots 1 through 24 of Section 7, Township 78 North, Range 24, West of the 5th P.M.; and all of Lot 1 in Portland Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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.

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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 Administrator, and subject to approval of such amendments by the Community Development Director.

MOVED by Hensley to adopt.

FORM APPROVED:

Michael F. Kelley
 Michael F. Kelley
 Assistant City Attorney

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

MOTION CARRIED APPROVED

7. M. Franklin Cownie 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.

Diane Rauh City Clerk