

★ Roll Call Number

12-1191

Agenda Item Number

38B

Date July 23, 2012

WHEREAS, on July 9, 2012, by Roll Call No. 12-1086, the City Council duly resolved to consider a proposal from Kum & Go, L.C. to rezone property located in the vicinity of 6304 Southwest 9th Street from C-2 General Retail and Highway Oriented Commercial District and R1-60 One-Family Low Density Residential District 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 July 23, 2012 at 5:00 p.m., in the Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register on July 12, 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, 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 6304 Southwest 9th Street, more fully described as follows (the "Property"):

PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 14052 AT PAGE 229 OF LOTS 1, 2, 21, & 22 IN LANGDON PLACE, AN OFFICIAL PLAT, NOW IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

A PARCEL OF LAND THAT IS A PART OF LOT ONE (1) EXCEPT THE SOUTH 10 FEET THEREOF, IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE STATE OF IOWA BY WARRANTY DEED RECORDED IN BOOK 4986, PAGE 219, AND EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY WARRANTY DEED RECORDED IN BOOK 4986, PAGE 222;

AND PART OF LOT TWO (2), IN LANGDON PLACE, AN OFFICIAL PLAT NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;

AND PART OF LOT TWENTY-ONE (21), IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY DEED RECORDED IN BOOK 4986, PAGE 222;

AND PART OF LOT TWENTY-TWO (22), IN LANGDON PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, IOWA BY DEED RECORDED IN BOOK 4986, PAGE 222; MORE PARTICULARLY DESCRIBED AS FOLLOWS; BEGINNING AT THE NW CORNER OF SAID LOT 21; THENCE N 01°17'07" E, A DISTANCE OF 30.26 FEET TO THE NE CORNER OF SAID LOT 2; THENCE N 89°44'53" W, A DISTANCE OF 122.27 FEET TO THE NW CORNER OF SAID LOT 2; THENCE S 00°16'17" W, A DISTANCE OF 87.81 FEET; THENCE S 89°58'53" W, A DISTANCE OF 10.62 FEET; THENCE S 00°17'50" E, A DISTANCE OF 154.82 FEET; THENCE S 89°47'48" E, A DISTANCE OF 132.80 FEET; THENCE S 00°18'33" E, A DISTANCE OF 10.00 FEET; THENCE S 89°47'48" E, A DISTANCE OF 250.80 FEET TO A POINT ON THE WEST R.O.W. OF SW 9TH ST.; THENCE N 00°09'50" W, A DISTANCE OF 139.73 FEET ALONG SAID R.O.W.; THENCE N 02°38'07" E, A DISTANCE OF 81.60 FEET ALONG SAID R.O.W.; THENCE N 89°33'35" W, A DISTANCE OF 255.18' ALONG THE NORTH LINE OF SAID LOT 21 TO THE POINT OF BEGINNING, AND CONTAINING 2.00 ACRES MORE OR LESS, AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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from the C-2 General Retail and Highway Oriented Commercial District and R1-60 One-Family Low Density Residential District 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

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.

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 rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

2. 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 Administrator.

MOVED by Hensley to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance; refer to the City Manager and staff to work with neighbors regarding fencing along the west side of the property.

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	6			1

MOTION CARRIED

APPROVED

T. M. Franklin 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