



Roll Call Number

13-0155

Agenda Item Number

49

Date January 28, 2013

WHEREAS, on January 14, 2013, by Roll Call No. 13-0031, the City Council duly resolved that a public hearing to be held on January 28, 2013, at 5:00 p.m., in the Council Chambers at City Hall, to consider a proposal from St. Gregory Centers Holdings, LLC (purchaser) represented by Michael Vasquez (officer), to amend the approved Airport Commerce Park West PUD Planned Unit Development District Conceptual Plan for property located in the vicinity of 6151 Thornton Avenue, to allow for conversion of 19,000 square feet of the existing 38,317-square foot building from a retail/restaurant/office use to a rehabilitation center where 6,000 square feet is proposed for general office use, 3,000 square feet is proposed for medical outpatient clinic use, and 10,000 square feet is proposed for a residential social detoxification use subject to the following modifications to the Conceptual Plan documents; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on January 17, 2013, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, at a public hearing on January 3, 2013, the Plan and Zoning Commission recommended by a vote of 12-0-1 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. Sheet 1 of Conceptual Plan shall state the Des Moines 2020 Community Character Land Use Plan designates the future land use of this site as Planned Business Park.
2. Sheet 1 shall be revised with a Legal Description that includes all properties within the PUD boundary.
3. Sheet 1 shall be revised to update the Zoning information to indicate the current Zoning which is PUD Planned Unit Development.
4. Sheet 1 of Conceptual Plan shall include a narrative of the general development concept pertaining to the amendment and a discussion of proposed project phasing or scheduling.
5. Sheet 1 of the Conceptual Plan shall include allowance for fencing within the PUD, and that it be limited to wrought iron type or black coated 75% open fence design that is not greater than 8-feet in height, with no fencing taller than 3-feet located closer than 15 feet to any public street right-of-way property line.
6. Note 6 on Sheet 1 should be revised to indicate that removal of trees as a result of development is subject to compliance with the City's Tree Preservation and Mitigation Ordinances and requirements.
7. Sheet 1 should be revised to show all existing development. This would include the addition of development on properties at 5801 Thornton Avenue, 5901 Thornton Avenue, 3621 SW 61st Street, and 3721 SW 61st Street. Building and paving footprints shall be indicated.



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8. The current approved and the submitted Conceptual Plan required approval by the Architectural Review Committee of building screening, and fencing design and materials and landscaping plans by the Airport Commerce Park, LC (or its successor). The Conceptual Plan shall be revised to remove all reference to review by the Architectural Review Committee as part of Zoning requirements.
9. Sheet 1 shall be revised to include an update to the legend for all typical landscaping symbols used.
10. As per the City Fire Engineer there shall be a statement added to notes on Sheet 1: "In accordance with IFC Section 508.5.1; where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided (Exception: sprinklered buildings shall be 600 ft)."
11. 11. The final approved Conceptual Plan document shall require a current certification block of a Registered Architect or Registered Landscape Architect with the State of Iowa.

WHEREAS, in accordance with the published notice those interested in the 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 statements of approval and objections to the proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 6151 Thornton Avenue have been considered and the hearing is closed.

Lots 5 thru 11 inclusive and Lots A, and B, Airport Commerce Park West Plat 1, an Official Plat, Lots 1 thru 16 inclusive and Lots A, B and C, Airport Commerce Park West Plat 2, an Official Plat, Lots 1 thru 4 inclusive, Airport Commerce Park West Plat 3, an Official Plat, Lots 1 thru 3 inclusive, Walnut Woods Plat 1, 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 above.



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Alternative A



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 and to APPROVE the proposed amendment to the PUD Conceptual Plan. A favorable vote by 6/7 of the Council is required because written protest has been filed with the City Clerk by the owners of at least twenty percent of the property which is located within two hundred feet of the exterior boundaries of the property.

Alternative B

The amended PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby DENIED

Moved by _____ to adopt and to DENY the proposed rezoning.

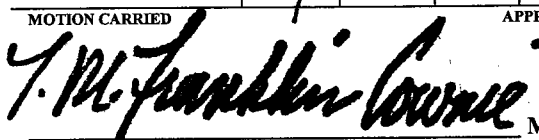
FORM APPROVED:


Michael F. Kelley
Assistant City Attorney

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

MOTION CARRIED

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