



Roll Call Number

13-04101

Agenda Item Number

20

Date March 25, 2013

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on March 7, 2013, its members voted 11-3 in support of a motion to recommend APPROVAL of a request from First Equity Property Holdings – Acquisitions Fund II, LLC (purchaser) represented by Anne Walters (officer), Roanoke Holdings, LLC; Joan Thaler, MEM Investments, LLC; Dolores Sayers; and Jackson Huynh (owners) to rezone property in the vicinity of 2303 Merle Hay Road from R1-60 One-Family Low-Density Residential District and C-1 Neighborhood Retail Commercial District to PUD Planned Unit Development District and a PUD Concept Plan for a 12,900 square foot pharmacy store with drive-thru, a 2,348 square foot outdoor storage area and up to 84 parking spaces subject to conditions.

The subject property is more specifically described as follows:

LOTS 2, 3, 4, 5, 6, 7, 8 AND 9 IN NEIMAN PLACE, AN OFFICIAL PLAT, DES MOINES, POLK COUNTY, IOWA,
AND,
AN IRREGULAR SHAPED PORTION OF LOTS 10, 17, 18, 19, 20, 21 AND A IN SAID NEIMAN PLACE, MORE ACCURATELY DESCRIBED AS:
BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 89°(DEGREES) 36' (MINUTES) 00" (SECONDS) EAST ALONG THE NORTH LINE OF SAID LOT 2 AND ALONG THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 250.00 FEET TO THE EAST LINE OF SAID LOT 21; THENCE SOUTH 00°17'15" WEST ALONG THE EAST LINE OF SAID LOT 21, A DISTANCE OF 100.00 FEET TO THE NORTH LINE SAID LOT A; THENCE SOUTH 89°36'00" EAST ALONG THE NORTH LINE OF SAID LOT A, A DISTANCE OF 11.66 FEET; THENCE SOUTH 00°15'00" WEST, A DISTANCE OF 50.00 FEET TO THE NORTH LINE OF SAID LOT 17; THENCE SOUTH 89°36'00" EAST ALONG THE NORTH LINE OF SAID LOT 17, A DISTANCE OF 38.24 FEET TO THE NORTHEAST CORNER OF SAID LOT 17; THENCE SOUTH 00°12'25" WEST ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 99.89 FEET; THENCE NORTH 89°36'15" WEST, A DISTANCE OF 112.79; THENCE SOUTH 00°26'54" WEST, A DISTANCE OF 189.61 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF HICKMAN ROAD AS IT IS PRESENTLY ESTABLISHED, SAID POINT BEING 10.50 FEET NORTH OF THE SOUTH LINE OF SAID LOT 10; THENCE NORTH 89°36'15" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HICKMAN ROAD, A DISTANCE OF 36.41 FEET TO THE EAST LINE OF SAID LOT 9; THENCE SOUTH 00°17'15" WEST ALONG THE EAST LINE OF SAID LOT 9, A DISTANCE OF 3.50 FEET; THENCE NORTH 89°36'15" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HICKMAN ROAD, A DISTANCE OF 132.00 FEET; THENCE NORTH 44°39'30" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HICKMAN ROAD, A DISTANCE OF 25.48 FEET TO THE WEST LINE OF SAID LOT 7 AND TO THE EAST



Roll Call Number

130461

Agenda Item Number

20

Date March 25, 2013

RIGHT-OF-WAY LINE OF MERLE HAY ROAD AS IT IS PRESENTLY ESTABLISHED; THENCE NORTH 00°17'15" EASET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID MERLE HAY ROAD, A DISTANCE OF 425.02 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 2.38 ACRES.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on April 8, 2013, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by Hensley to adopt.

[Signature]

Michael F. Kelley
Assistant City Attorney

(ZON2013-00007)

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

MOTION CARRIED

APPROVED

[Signature]
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.

[Signature]

City Clerk