



Roll Call Number

13-1430

Agenda Item Number

43

Date September 9, 2013

WHEREAS, on August 26, 2013, by Roll Call No. 13-, the City Council duly resolved that a public hearing to be held on September 9, 2013, at 5:00 p.m., in the Council Chambers at City Hall, 400 Robert D. Ray Drive in Des Moines, to consider a proposal from Kum & Go, LC (developer) represented by Nick Halfhill (officer), to amend the approved Kum & Go Store #120 PUD Planned Unit Development District Conceptual Plan for property located in the vicinity of 6304 Southwest 9th Street; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on August 29, 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 August 15, 2013, the Plan and Zoning Commission recommended by a vote of 9-3 that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the following condition and subject to the conceptual plan being first amended as set forth in the attached letter from the Planning Administrator:

To allow a maximum canopy height of 20'-10"

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 objections to the proposed amendment to the approved PUD Conceptual Plan for the property in the vicinity of 6304 Southwest 9th Street, and more specifically described below, are hereby overruled and the hearing is closed.

PUD BOUNDARY

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.



Roll Call Number

13-1430

Agenda Item Number

43

Date September 9, 2013

-2-

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.

(Continued on Page 3)



Roll Call Number

13-1430

Agenda Item Number

43

Date

September 9, 2013

-3-

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 condition identified above.

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 condition recommended by the Plan and Zoning Commission as set forth in the attached letter from the Planning Administrator, and subject to approval of such amendment by the Community Development Director.

MOVED by Hensley to adopt and to approve the proposed amendment to the PUD Conceptual Plan.

FORM APPROVED:

M. Kelly

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