



Roll Call Number

16-1516

Agenda Item Number

39

Date September 12, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM CADLE’S WAKONDA, LLC TO REZONE PROPERTY LOCATED AT 4301 FLEUR DRIVE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2016, its members voted 10-0 in support of a motion to recommend APPROVAL of a request from Cadle’s Wakonda, LLC (owners), represented by David Marquette (officer), to rezone property located at 4301 Fleur Drive (“Property”) from “R-3” Multiple-Family Residential District to Limited "C-2" General Retail and Highway Oriented Commercial District, to allow for development of the property with loading area, drainage improvements, and off-street parking area as part of development of a 30,134-square foot general food sales establishment (Fareway) on the commercially-zoned portion of the subject property, subject to the following conditions:

- 1. Any redevelopment of the Property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center;
2. Any Site Plan submitted for development upon the Property shall bring the entire site into conformance with the City’s Landscape Standards as applicable to “C-2” Districts;
3. Any Site Plan submitted for development upon the Property shall provide a minimum 5-foot wide public sidewalk along all segments of Fleur Drive frontage;
4. Any Site Plan submitted for development upon the Property shall provide a pedestrian route through the site from that sidewalk to the main entrance of any new structure, to the satisfaction of the City’s Planning Administrator;
5. Any Site Plan submitted for development upon the Property shall provide a pedestrian connection and a vehicular connection with the multiple-family residential development to the east, to the satisfaction of the City’s Planning Administrator;
6. Construction of any building on the Property shall be in general conformance with the architectural character elevations submitted as part of the rezoning application, to the satisfaction of the City’s Planning Administrator; and
7. Any future partial demolition of a structure upon the Property shall be subject to provision of a quality façade improvement for the remaining portion of the commercial structure, to the satisfaction of the City’s Planning Administrator; and

WHEREAS, the Property to be rezoned is legally described as follows:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH PRINCIPAL MERIDIAN, DES MOINES, POLK COUNTY, IOWA DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 540.00 FEET EAST OF THE WEST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND 933.00 FEET SOUTH OF THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S89°41'34"E 136.68 FEET ALONG THE EASTERLY LINE DESCRIBED IN GENERAL WARRANTY

(continued)



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DEED BOOK 8490, PAGES 450-455 IN THE OFFICE OF THE POLK COUNTY, IOWA RECORDER TO A POINT THAT IS 640.00 FEET WEST OF THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S0°19'09"W 388.38 FEET ALONG SAID EASTERLY LINE TO A POINT ON THE SOUTH LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SAID POINT BEING 640.00 FEET WEST OF THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S89°45'32"W 136.69 FEET ALONG SAID SOUTH LINE; THENCE N0°19'09"W 389.69 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1.22 ACRES, SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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

- 1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.
2. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on September 26, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
3. 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.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00137)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED

APPROVED

Y. M. Franklin Council 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