



**Roll Call Number**

17-0521

**Agenda Item Number**

56

**Date** March 20, 2017

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
M & R HOLDINGS, LLC FOR REVIEW AND APPROVAL OF THE 1<sup>ST</sup> AMENDMENT  
TO THE WOODLAWN PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT  
4209 LOWER BEAVER ROAD**

**WHEREAS**, on March 6, 2017, by Roll Call No. 17-0371, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on February 16, 2017, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request from M & R Holdings, LLC (developer), represented by Dave Walters (officer), for review and approval of the 1<sup>st</sup> Amendment to the Woodlawn PUD Conceptual Plan for property located at 4209 Lower Beaver Road ("Property"), to reduce the number of proposed single-family semi-detached units from 38 to 34, subject to conditions stated in the Commission's communication; and

**WHEREAS**, on March 6, 2017, by Roll Call No. 17-0371, it was duly resolved by the City Council that the application of M&R Holdings, LLC for review and approval of the proposed 1st Amendment to the Woodlawn PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on March 20, 2017, at 5:00 p.m. in the City Council Chambers at the Municipal Services Center; and

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

**WHEREAS**, in accordance with said notice, those interested in said proposed amendment to the approved Woodlawn 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 and any statements of interested persons and arguments of counsel, any and all objections to the proposed 1st Amendment to the Woodlawn PUD Conceptual Plan for the Property, locally known as 4209 Lower Beaver Road and legally described as follows, are hereby overruled, and the hearing is closed:

ALL THAT PART OF THE SOUTH HALF (S ½) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION 20, TOWNSHIP 79, RANGE 24, WEST OF THE 5TH P.M., LYING WITHIN THE FOLLOWING DESCRIBED LINES: COMMENCING AT A POINT ON THE SECTION LINE 461.34 FEET, NORTH OF THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE ¼) OF SAID SECTION 20, THENCE WEST AND PARALLEL WITH THE SOUTH LINE OF THE NE ¼ OF SAID SECTION 20, A DISTANCE OF 1058.3 FEET TO PLACE OF BEGINNING, THENCE CONTINUING WEST A DISTANCE OF 871.2 FEET TO



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THE CENTER LINE OF LOWER BEAVER ROAD, THENCE NORTHWESTERLY ALONG THE CENTER LINE OF LOWER BEAVER ROAD, A DISTANCE OF 300 FEET, THENCE EAST 871.2 FEET, THENCE SOUTH 300 FEET TO PLACE OF BEGINNING.

2. The proposed 1st Amendment to the Woodlawn PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 17-0371, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Gray TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2017-00003)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. 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