



Roll Call Number

18-0688

Agenda Item Number

25

Date April 23, 2018

RESOLUTION SETTING HEARING ON REQUEST FROM FDM DEVELOPMENT PARTNERSHIP, LLLP (OWNER) FOR SECOND AMENDMENT TO THE WEST POINT SOUTH PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 6700 CHAFFEE ROAD

WHEREAS, on April 5, 2018, the City Plan and Zoning Commission voted 12-0 to APPROVE a request from FDM Development Partnership, LLLP (owner), represented by Justin Doyle (officer), to amend the West Point South PUD Conceptual Plan on property located at 6700 Chaffee Road ("Property") to allow a revised design for refuse collection container screening enclosures changing the material from masonry to wood, subject to the following revisions:

- 1. Compliance with all administrative comments prior to finalization of the record Mylar by the Planning Administrator.
2. Provision of requirement that any additional refuse collection containers deemed necessary in the future shall be kept in masonry enclosure with metal opaque gates located on the internal drives as a part of a Development Plan amendment.
3. Provision of a requirement that any treated wood enclosures shall be kept in good repair or the Zoning Officer may require them to be replaced with a masonry enclosures if there is a demonstrated pattern of disrepair; and

WHEREAS, the Property is legally described as follows:

PARCEL 'X' LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AS SHOWN ON BOOK 8041 PAGE 37 AND PLAT OF SURVEY BOOK 7707 PAGE 337 EXCEPT PARCEL 'G' AS SHOWN IN BOOK 11614 PAGE 226, IN CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33-78-24; THENCE NORTH 00°10'50" EAST ALONG THE EAST LINE OF SAID SECTION, 660.35 FEET TO THE SOUTHEAST CORNER OF PARCEL 'X', THE NORTHEAST CORNER OF PARCEL 'B' AND THE POINT OF BEGINNING; THENCE NORTH 89°25'08" WEST ALONG THE SOUTH LINE OF SAID PARCEL 'X', 160.93 FEET; THENCE CONTINUING ALONG SAID LINE SOUTH 78°37'06" WEST, 240.98 FEET; THENCE NORTH 89°27'10" WEST, 267.08 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CARTER STREET; THENCE NORTH 00°28'25" EAST ALONG SAID RIGHT-OF-WAY LINE, 280.17 FEET; THENCE NORTH 89°30'18" WEST, 30.03 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CARTER STREET; THENCE NORTH 00°28'09" EAST ALONG SAID RIGHT-OF-WAY LINE, 214.70 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRUBER STREET; THENCE NORTH 89°28'09" WEST ALONG SAID RIGHT-OF-WAY LINE, 304.97 FEET; THENCE SOUTH 00°28'58" WEST, 214.89 FEET

(continued)



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TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THAYER STREET; THENCE NORTH 89°30'18" WEST ALONG SAID RIGHT-OF-WAY LINE, 316.05 FEET; THENCE NORTH 00°39'53" EAST, 324.36 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 'X'; THENCE SOUTH 89°32'36" EAST ALONG THE NORTH LINE OF SAID PARCEL 'X', 1307.53 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 'X' AND A POINT ON THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 00°10'44" EAST ALONG SAID SECTION LINE, 556.34 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 'X' AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 531,956.95 SQUARE FEET (12.21 ACRES±) MORE OR LESS.

AND

PARCEL 'G', AS SHOWN IN BOOK 11614, PAGE 226, IN CITY OF DES MOINES, POLK COUNTY, IOWA.

PARCEL 'X' LOCATED IN THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AS SHOWN ON BOOK 8041 PAGE 37 AND PLAT OF SURVEY BOOK 7707 PAGE 337 EXCEPT PARCEL 'G' AS SHOWN IN BOOK 11614 PAGE 226, IN CITY OF DES MOINES, POLK COUNTY, IOWA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33-78-24; THENCE NORTH 00°10'50" EAST ALONG THE EAST LINE OF SAID SECTION, 660.35 FEET TO THE SOUTHEAST CORNER OF PARCEL 'X', THE NORTHEAST CORNER OF PARCEL 'B' AND THE POINT OF BEGINNING; THENCE NORTH 89°25'08" WEST ALONG THE SOUTH LINE OF SAID PARCEL 'X', 160.93 FEET; THENCE CONTINUING ALONG SAID LINE SOUTH 78°37'06" WEST, 240.98 FEET; THENCE NORTH 89°27'10" WEST, 267.08 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF CARTER STREET; THENCE NORTH 00°28'25" EAST ALONG SAID RIGHT-OF-WAY LINE, 280.17 FEET; THENCE NORTH 89°30'18" WEST, 30.03 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF CARTER STREET; THENCE NORTH 00°28'09" EAST ALONG SAID RIGHT-OF-WAY LINE, 214.70 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF GRUBER STREET; THENCE NORTH 89°28'09" WEST ALONG SAID RIGHT-OF-WAY LINE, 304.97 FEET; THENCE SOUTH 00°28'58" WEST, 214.89 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF THAYER STREET; THENCE NORTH 89°30'18" WEST ALONG SAID RIGHT-OF-WAY LINE, 316.05 FEET; THENCE NORTH 00°39'53" EAST, 324.36 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 'X'; THENCE SOUTH 89°32'36" EAST ALONG THE NORTH LINE OF SAID PARCEL 'X', 1307.53 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 'X' AND A POINT ON THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 00°10'44" EAST ALONG SAID



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SECTION LINE, 556.34 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 'X' AND THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 531,956.95 SQUARE FEET (12.21 ACRES±) MORE OR LESS.

AND

PARCEL 'G', AS SHOWN IN BOOK 11614, PAGE 226, IN CITY OF DES MOINES, POLK COUNTY, IOWA.

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 Second Amendment to the West Point South PUD Conceptual Plan is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on May 7, 2018, 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.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

(ZON2018-00041)

Lawrence R. McDowell, Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

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.

T. M. Franklin Council Mayor

Diane Rauh City Clerk