



Roll Call Number

18-0818

Agenda Item Number

50

Date May 7, 2018

**RESOLUTION HOLDING 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 23, 2018, by Roll Call No. 18-0688, the City Council received a recommendation from the City Plan and Zoning Commission advising that its members 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 kept be 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, on April 23, 2018, by Roll Call No. 18-0688, it was duly resolved by the City Council that the request from FDM Development Partnership, LLLP for approval of a second amendment to the “West Point South” PUD Conceptual Plan for the Property as legally described below, be set down for hearing on May 7, 2018 at 5:00 P.M., in the Council Chamber at City Hall; 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 “West Point South” PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved “West Point South” 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 second amendment to the “West Point South” PUD Conceptual Plan for the Property, locally known as 6700 Chaffee Road and legally described as follows, are hereby overruled, and the hearing is closed:

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:



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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 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



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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.

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

2. The proposed second amendment to the "West Point South" PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' PlanDSM: Creating Our Tomorrow Land Use 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 this Roll Call, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Coleman TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00041)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO				✓
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	6			1

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