



Roll Call Number

19-1960

Agenda Item Number

47

Date December 2, 2019

**RESOLUTION DISMISSING HEARING ON REQUEST FROM 50TH AND DOUGLAS, LLC
TO REZONE PROPERTY IN THE VICINITY OF 3905 50TH STREET**

WHEREAS, on August 20, 2018, by Roll Call No. 18-1404, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on August 2, 2018, its members voted 11-0 in support of a motion to recommend **APPROVAL** of a request from 50th and Douglas, LLC (owner), represented by Matt Connolly (officer), to rezone real property in the vicinity of 3905 50th Street (“Property”) from “R1-60” One-Family Low-Density Residential District to “PUD” Planned Unit Development District, and for approval of a PUD Conceptual Plan “Beaverdale Townhomes”, for development of approximately 2.74 acres for 21 rowhouse one-story townhomes on a private drive accessed from 50th Street, subject to the following revisions to the PUD Conceptual Plan as stated in said Roll Call; and

WHEREAS, on August 20, 2018, by Roll Call No. 18-1404, it was duly resolved by the City Council that the application from 50th and Douglas, LLC to rezone the Property, legally described as follows, and for approval of the PUD Conceptual Plan, be set down for hearing on September 10, 2018 at 5:00 P.M., in the Council Chamber at City Hall:

LOT 16 SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

LOT 15 (EXCEPT THE WEST 130 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

THE EAST 204.2 FEET OF LOT 14 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

LOT 11 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

AND

THE WEST 140 FEET OF LOT 13 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 13 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND



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THE WEST 140 FEET OF LOT 12 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 12 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE WEST 140 FEET OF LOT 10 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 10 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE WEST 140 FEET OF LOT 9 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 9 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

THE WEST 140 FEET OF LOT 8 IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

LOT 8 (EXCEPT THE WEST 140 FEET) IN SENGAL PLACE, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA;
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 Zoning Ordinance; and

WHEREAS, at the applicant's request, said hearing was opened and continued by City Council on September 10, 2018 by Roll Call No. 18-1557, on October 22, 2018 by Roll Call No. 18-1795, on December 17, 2018 by Roll Call No. 18-2109, on February 25, 2019 by Roll Call No. 19-0313, and on May 6, 2019 by Roll Call No. 19-0754; and



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WHEREAS, thereafter 50th and Douglas, LLC requested to withdraw its application for the proposed rezoning of the Property.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the public hearing on the proposed rezoning of property in the vicinity of 3905 50th Street from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District, and for approval of a PUD Conceptual Plan "Beaverdale Townhomes", is hereby dismissed, and the matter of the proposed rezoning and PUD Conceptual Plan is withdrawn from City Council consideration.

MOVED BY Boesen TO ADOPT. Refer to the City Manager for review and recommendation on using the property for water retention.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00137)

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

MOTION CARRIED

APPROVED

J. M. Franklin Cownie Mayor

CERTIFICATE

I, P. KAY CMELIK, 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.

P. Kay Cmelik

City Clerk