



**Roll Call Number**

20-1974

**Agenda Item Number**

61

**Date** November 23, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM BLANK PARK ZOO FOUNDATION, INC. FOR REVIEW AND APPROVAL OF A 3<sup>rd</sup> AMENDMENT TO THE BLANK PARK ZOO PUD CONCEPTUAL PLAN FOR A NEW RESTROOM AND CONCESSION BUILDING AND TO THE PUD FINAL DEVELOPMENT PLAN FOR “GOGO PLAZA” FOR A CONCESSION, RESTROOM AND PLAZA AREA FOR BLANK PARK ZOO LOCATED AT 7401 SOUTHWEST 9<sup>TH</sup> STREET**

**WHEREAS**, on November 9, 2020, the City Council received a communication from the Plan and Zoning Commission advising that at a public hearing held on October 15, 2020, its members voted 14-0 to **APPROVE** a request from Blank Park Zoo Foundation, Inc., represented by Anne Shimerdla (officer), to approve the 3<sup>rd</sup> Amendment to the Blank Park Zoo PUD Conceptual Development Plan for the Blank Park Zoo located at 7401 Southwest 9<sup>th</sup> Street (“Property”), legally described below, to allow for addition of a new restroom and concession building with plaza within the Area “A”, subject to the provision of a note stating that any future modification with “Area A” that impacts less than 10,000 square feet of area shall not require an amendment to the PUD Conceptual Plan, but shall be in accordance with any required PUD Final Development Plan, and

**WHEREAS**, on November 9, 2020, the City Council received a further communication from the Plan and Zoning Commission advising that at a public hearing held on October 15, 2020, its members further voted 14-0 to **APPROVE** a request from Blank Park Zoo Foundation, Inc., represented by Anne Shimerdla (officer), to approve the PUD Final Development Plan for “GoGo Plaza” to allow development of a 1,504-square feet concession and restroom building and surrounding plaza area for the Blank Park Zoo located at 7401 Southwest 9<sup>th</sup> Street, subject to compliance with all administrative review comments by the City’s Permit and Development Center and/or Site Plan Review Staff; and

**WHEREAS**, on November 9, 2020, by Roll Call No. 20-\_\_\_\_\_, it was duly resolved by the City Council that the request to approve the 3<sup>rd</sup> Amendment to the PUD Conceptual Plan and to approve the PUD Final Development Plan for Property be set down for hearing on November 23, 2020 at 5:00 P.M., by electronic means in accordance with the Governor’s and Mayor’s Proclamations and to encourage and maintain social distancing to curb the spread of COVID19 in the community, without public access to the meeting location; 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 land use amendment and rezoning; and

**WHEREAS**, in accordance with said notice, those interested in said proposed PUD Conceptual Plan amendment and PUD Final Development Plan approval, both for and against, have been given opportunity to be heard with respect thereto and have presented their views to the City Council; and

**WHEREAS**, the Property is legally described as follows:

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A PART OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M. AND PART OF THE NORTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF SECTION 33, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND THE WEST 632.0 FEET OF THE NORTHEAST 1/4 OF SAID SECTION 33, (EXCEPT THE NORTH 1420.0 FEET OF THE NORTHEAST 1/4), AND THE SOUTHEAST 1/4 OF SAID SECTION 33 (EXCEPT THE SOUTH 40 ACRES OF THE EAST 60 ACRES OF SAID SOUTHEAST 1/4), AND FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 33; THENCE EAST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 33.0 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET AND THE POINT OF BEGINNING; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 1204.0 FEET; THENCE EAST 599.0 FEET; THENCE SOUTH ALONG A LINE 599.0 FEET EAST OF AND PARALLEL WITH THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET TO A POINT APPROXIMATELY 623.00 FEET SOUTH TO THE NORTHWEST CORNER OF PARCEL "A" AS SHOWN ON THE PLAT OF SURVEY RECORDED IN BOOK 8041 PAGE 37; THENCE EAST ON THE NORTH PARCEL LINE OF SAID PARCEL "A" TO THE NORTHEAST CORNER OF SAID PARCEL "A"; THENCE SOUTH ALONG THE EAST PARCEL LINE OF PARCEL "A" TO THE SOUTH LINE OF THE EAST-WEST RODGERS ROAD AS CURRENTLY ESTABLISHED; THENCE WEST TO THE EAST LINE OF THE NORTH-SOUTH CARTER STREET AS CURRENTLY ESTABLISHED; THENCE SOUTH-SOUTHEAST ALONG THE EAST LINE OF CARTER STREET TO A POINT 65 FEET NORTH OF THE SOUTH PARCEL LINE AND 300 FEET WEST OF THE EAST PARCEL LINE; THENCE SOUTHWESTERLY TO A POINT APPROXIMATELY 375 FEET WEST OF THE EAST PARCEL LINE ON THE SOUTH PARCEL LINE, TO THE CORNER POST OF THE EXISTING NORTHERN BLANK GOLF COURSE FENCE; THENCE EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 33 TO THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE EAST 40 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE SOUTH 216 FEET PARALLEL WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE WESTERLY TO A POINT 500 FEET EAST OF THE EAST RIGHT-OF-WAY LINE OF SW 9TH STREET AND THE EXISTING NORTHERN BLANK GOLF COURSE FENCE; THENCE SOUTHWESTERLY 320.0 FEET TO A POINT 290.0 FEET SOUTH OF MASON AVENUE RIGHT OF WAY LINE EXTENDED; THENCE WESTERLY 185 FEET TO THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET; THENCE NORTH ALONG THE EAST RIGHT OF WAY LINE OF SOUTHWEST 9TH STREET 766.0 FEET TO THE POINT OF BEGINNING, EXCEPT THE AREAS AND BUILDINGS IDENTIFIED AS: BLDG 138, BLDG 308, BLDG 309, BLDG 135, AND A 10 FOOT WIDE AREA ADJOINING EACH SIDE OF SAID BUILDINGS FOR MAINTENANCE AND INGRESS-EGRESS TO SAID BUILDINGS FROM ANY EXISTING ROADS, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA. CONTAINING ± 66.75 ACRES

FORT DES MOINES PARCELS WITHIN LEASED AREA:



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THE AREA EAST OF THE EASTSIDE OF BUTTNER STREET, SOUTH OF THE NORTH PROPERTY LINE OF PARCEL "A" AS DESCRIBED ABOVE; AND, NORTH OF THE NORTH SIDE OF RODGERS ROAD.

SUBJECT TO: EXISTING EASEMENTS FOR ROADS, PUBLIC UTILITIES, RAILROADS AND PIPELINE AND TO OTHER EASEMENTS OR ENCUMBRANCES OF RECORD, AND FURTHER SUBJECT TO ENCROACHMENTS OF THE BUILDINGS SHOWN IN EXHIBIT "A" KNOWN AS BLDG 68, BLDG 70, BLDG 71, BLDG 73, BLDG 81, BLDG 83, BLDG 126, BLDG 127.

FOOTNOTE:

THE CITY OF DES MOINES, HAS LEASED A PORTION OF THE PROPERTY DESCRIBED IN THE P.U.D. PROPERTY DESCRIPTION TO BLANK PARK ZOO FOUNDATION, INC., PURSUANT TO THE A.H. BLANK PARK ZOO LEASE, OPERATION, MANAGEMENT AND MAINTENANCE AGREEMENT, DATED APRIL 25, 2011. THE P.U.D. PROPERTY DESCRIPTION INCLUDES ADDITIONAL PROPERTY OWNED BY THE CITY OF DES MOINES THAT IS NOT INCLUDED IN SAID LEASE AGREEMENT

**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 and all statements of interested persons and arguments of counsel, any objections to the proposed 3<sup>rd</sup> Amendment to the Blank Park Zoo PUD Conceptual Plan and to PUD Final Development Plan for "GoGo Plaza" hereby overruled, and the hearing is closed.
2. The proposed 3<sup>rd</sup> Amendment to the Blank Park Zoo PUD Conceptual Plan and to the PUD Final Development Plan "GoGo Plaza", as on file in the Community Development Department, is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to the conditions stated above.

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MOVED BY Gatto TO ADOPT.

FORM APPROVED: Judy K. Parks-Kruse  
Judy K. Parks-Kruse  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	1			
BOESEN	1			
GATTO	1			
GRAY	1			
MANDELBAUM	1			
VOSS	1			
WESTERGAARD	1			
TOTAL	7			

MOTION CARRIED APPROVED  
J. M. Frankin Cowie  
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