

★ Roll Call Number

20-1973

Agenda Item Number

60

Date November 23, 2020

**RESOLUTION HOLDING HEARING ON REQUEST FROM DES MOINES COLD STORAGE (OWNER), FOR REVIEW AND APPROVAL OF AN AMENDMENT TO THE PREVIOUSLY APPROVED PUD FINAL DEVELOPMENT SITE PLAN FOR "PHASE 1A OF DES MOINES COLD STORAGE" FOR PROPERTY AT 3805 VANDALIA ROAD**

**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 Des Moines Cold Storage (owner), represented by CJ Morton (officer), to approve an amendment to the previously approved PUD Final Development Site Plan for "Phase 1A of Des Moines Code Storage" for property located at 3805 Vandalia Road ("Property") to allow a 62,680 square foot addition to the existing refrigerated warehouse building, with waiver of the previously approved installation of public sidewalk along the Vandalia Road frontage, with the condition that sidewalk would be installed by the owner at any such time transit service is extended to Vandalia Road in front of the property should that be prior to installation of sidewalk with any public street project for Vandalia Road; and

**WHEREAS**, on November 9, 2020, by Roll Call No. 20-1769, it was duly resolved by the City Council that the request to approve an amendment to the previously approved PUD Final Development Site Plan for "Phase 1A of Des Moines Code Storage" 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 amendment to the previously approved PUD Final Development Site Plan for "Phase 1A of Des Moines Code Storage", 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:

PARCEL 2016-123 BEING PART OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 78 NORTH, RANGE 23 WEST OF THE 5TH P.M., CITY OF DES MOINES, POLK COUNTY, IOWA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING FROM THE NORTH QUARTER CORNER OF SAID SECTION 17; THENCE ALONG THE NORTH LINE OF SAID SECTION 17 N87°28'58"W, 1416.77 FEET; THENCE S02°21'02"W, 50.00 FEET TO THE POINT OF BEGINNING; THENCE

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S87°28'58"E, 1272.55 FEET; THENCE 206.92 FEET ALONG A 136.00 FOOT RADIUS CURVE, CONCAVE SOUTHWEST, CHORD BEARING S43°45'46"E, 187.53 FEET; THENCE S00°01'28"E, 576.53 FEET; THENCE N87°28'58"W, 1431.60 FEET; THENCE N02°21'02"E, 705.57 FEET TO THE POINT OF BEGINNING. DESCRIBED AREA CONTAINS 22.87 ACRES AND IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

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 amendment to the previously approved PUD Final Development Site Plan for "Phase 1A of Des Moines Code Storage" hereby overruled, and the hearing is closed.
2. The proposed amendment to the previously approved PUD Final Development Site Plan for "Phase 1A of Des Moines Code Storage", is hereby found to be in conformance with PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to the conditions stated above.

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	✓			
BOESEN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
VOSS	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

*T. 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