

June 14, 2010

Date

WHEREAS, on April 26, 2010 by Roll Call No. 10-604, the City Council duly resolved to consider a proposal from Sutton Hill Residential Cooperative to rezone certain property located in the vicinity of 2080 King Avenue from the R-6 and R1-80 District classification to the PUD Planned Unit Development District classification, and to consider the proposed PUD Conceptual Development Plan for such property, and that such proposal be set down for hearing on May 10, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 29, 2010, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the property located in the vicinity of 2080 King Avenue, more fully described as follows (the "Property"):

Lot 4, Park Forest Plat 4, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The North 135 feet of the East 1030 feet of Outlot "X", Park Forest Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The South 14 feet of the West 923 feet of the East 958 feet of the Southeast Quarter of the Northeast Quarter of Section 14, Township 78 North, Range 24 West of the 5<sup>th</sup> P.M.

from the R-6 and R1-80 District classifications to the PUD Planned Unit Development District classification; and

WHEREAS, on May 10, 2010 by Roll Call No. 10-746, the City Council resolved to approve the first of three readings for the rezoning, to approve the PUD Conceptual Development Plan and to refer to the City Manager to review the fiscal impact of the property taxes for this project, and to continue to work with the neighbors to gather additional ideas and address issues in the neighborhood including parking near the Cownie soccer fields; and

WHEREAS, Sutton Hill Residential Cooperative requested that approval of the rezoning and the PUD Conceptual Development Plan should be deferred to the June 14, 2010 City Council meeting for possible reconsideration; and

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WHEREAS, Sutton Hill Residential Cooperative has requested that approval of the rezoning and the PUD Conceptual Development Plan be further deferred to the June 28, 2010 City Council meeting for possible reconsideration; and

WHEREAS, on January 25, 2010, by Roll Call No. 10-149, the City Council of the City of Des Moines approved the vacation and conveyance of excess City-owned property, as included in the real property legally described above, to adjoining owner Sutton Hill Residential Cooperative subject to a 90-day due diligence period; and

WHEREAS, on April 26, 2010, by Roll Call No. 10-588, City Council approved an extension of the due diligence period for sale of said excess City-owned property to Sutton Hill Residential Cooperative, which extension is set to expire on June 18, 2010, and the City would not be inconvenienced by reason of further extension of said due diligence period.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that the meeting of the City Council at which the proposed rezoning and approval of the PUD Conceptual Development Plan is to be re-considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on June 28, 2010, at which time the City Council will hear both those who oppose and those who favor the proposal.

BE IT FURTHER RESOLVED, that a thirty-day extension to July 18, 2010 of the due diligence period for the sale of excess City-owned property, as included in the real property legally described above, to adjoining owner Sutton Hill Residential Cooperative be and is hereby approved, and the Real Estate Division Manager is hereby authorized and directed to sign any amendments or modifications to the Offer to Purchase Real Estate as necessary to effectuate said extension subject to prior approval as to form by the Legal Department.

FORM APPROVED: Moved by \_\_\_\_\_ to adopt.

*Michael F. Kelley*  
 Michael F. Kelley *by GKF*  
 Assistant City Attorney

(Council Communication No. 10-364)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
TOTAL				
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.

\_\_\_\_\_ Mayor

\_\_\_\_\_ City Clerk