

December 3, 2007

Date

WHEREAS, on November 19, 2007, by Roll Call No. 07-2201, it was duly resolved by the City Council that the City initiated proposal to renew and extend the "S-O" Study Overlay District within the estimated Four Mile Creek floodplain between Hull Avenue and Easton Boulevard more specifically described below, be set down for hearing on December 3, 2007, 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 November 23, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in the proposal, 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, statements of interested persons, and arguments of counsel, the objections to the proposal to renew and extend the "S-O" Study Overlay District within the estimated Four Mile Creek floodplain between Hull Avenue and Easton Boulevard more specifically described as follows, are hereby overruled and the hearing is closed.

Lots 481 and 482, Lots 488 through 490, Lots 531 through 533, Lots 539 through 541, Lots 582, 583 and 584, Lots 586 through 593, Lots 629 through 650, Lots 677 through 684, Lots 686 through 689, Lots 693 and 694, Lots 697 through 713, and the North 25.0 feet of Lot 740, and all of Lots 741 through 749, Lots 768 through 788, Lots 792 through 819, Lots 822 through 836, Lots 848 through 862, and the South 25.0 feet of Lot 866, and all of Lots 867, 868 and 869, and Lots 881 through 885, Four Mile Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

AND, the South 25.0 feet of Lot 740 and all of Lots 739, 738, 737, 736, 789, 790 and 791, Four Mile Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

2. The proposal to renew and extend the "S-O" Study Overlay District within the estimated Four Mile Creek floodplain between Hull Avenue and Easton Boulevard more specifically described above, is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

(continued)

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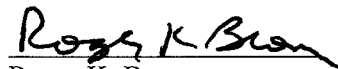
Date December 3, 2007

3. The City Council hereby makes the following findings of fact in support of the renewal and extension of the "S-O" District upon the property described above:

- a) It is anticipated that as a result of the engineering study undertaken by the Corps of Engineers, all or substantial portions of the property described above will be identified as floodway or floodway.
- b) The imposition of the S-O Study Overlay District upon the property described above is intended and designed to balance the short term need of the public to restrict development in an area subject to potential flooding, with the need of the existing occupants and owners to have the beneficial use of their homes and businesses until long term solutions can be identified and implemented. To that end, the S-O Study Overlay District temporarily restricts new development which is at risk of potential flooding, while permitting the continued use, maintenance and improvement of existing homes and businesses.

MOVED by _____ to adopt and approve the zoning, subject to final passage of the zoning ordinance.

FORM APPROVED:


 Roger K. Brown
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

.....
 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.

 City Clerk

November 19, 2007

Honorable Mayor and City Council
City of Des Moines, Iowa

Members:

Communication from the City Plan and Zoning Commission advising that at their meeting held November 1, 2007, the following action was taken:

COMMISSION RECOMMENDATION:

After public hearing, the members voted 12-0 as follows:

Commission Action:	Yes	Nays	Pass	Absent
Leisha Barcus	X			
David Cupp	X			
Shirley Daniels	X			
Dann Flaherty	X			
Bruce Heilman	X			
Jeffrey Johannsen				X
Greg Jones	X			
Frances Koontz	X			
Kaye Lozier	X			
Jim Martin	X			
Brian Millard	X			
Mike Simonson	X			
Kent Sovern	X			
Tim Urban				X
Marc Wallace				X

To retain the "S-O" Study Overlay District zoning designation and that affected property owners be notified in writing of the extension of those provisions pending the completion of the Corps of Engineers' study of the Four Mile basin.
(10-2001-3.23)

STAFF RECOMMENDATION AND BASIS FOR APPROVAL

Staff recommends retention of the "S-O" Study Overlay District zoning designation.

STAFF REPORT

I. GENERAL INFORMATION

The Commission shall annually review all property zoned to the "S-O" Study Overlay District and shall file a report and recommendation with the city council on the need to continue the zoning and the appropriateness of rezoning the property or any part thereof to another zoning classification.



CITY PLAN AND ZONING COMMISSION
ARMORY BUILDING
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DES MOINES, IOWA 50309 --1881
(515) 283-4182

ALL-AMERICA CITY
1949, 1976, 1981
2003

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During the summer of 2007, the Corps of Engineers provided the City of Des Moines with an engineering study that shows potential revisions the FEMA Flood Zone and Flood Plain along Four Mile Creek. This study shows that approximately 100 of the 159 parcels in the "S-O" Study Overlay will likely be entirely or partially within the FEMA 100-year Flood Plain.

Staff will make a 4:30 PM presentation to the City Council on Monday, October 15, 2007 and a 5:30 PM presentation to the Plan and Zoning Commission on Thursday, October 18, 2007 regarding the proposed FEMA maps. A public meeting with affected residents and property owners is being scheduled for early November 2007. However, until the final Corps study is adopted, staff believes that continuation of the "S-O" District is warranted.

SUMMARY OF DISCUSSION

There was no discussion on this item.

Fran Koontz: Moved to retain the "S-O" Study Overlay District zoning designation.

Motion passed 12-0.

Respectfully submitted,



Michael Ludwig, AICP
Planning Administrator

Attachment