

January 10, 2011

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 the 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 the 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

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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

WHEREAS, on May 24, 2010 by Roll Call No. 10-837 the City Council duly resolved to reconsider the proposed rezoning and approval of the PUD Conceptual Development Plan at 5:00 p.m. on June 14, 2010 in Council Chambers, City Hall; and

WHEREAS, notice of the hearing was published in the Des Moines Register on June 4, 2010 as provided by law, setting forth the time and place of the proposed amendment to the rezoning ordinance; and

WHEREAS, Sutton Hill Residential Cooperative further 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 June 14, 2010 by Roll Call No. 10-957, the City Council of the City of Des Moines duly resolved that the meeting of the City Council at which the proposed rezoning and approval of the PUD Conceptual Development Plan shall be re-considered shall be continued to 5:00 p.m. on June 28, 2010, in Council Chambers at City Hall in Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal;

WHEREAS, on June 28, 2010 by Roll Call No. 10-1077 the City Council duly resolved to continue the hearing at which the proposed rezoning and approval of the PUD Conceptual Development Plan should be reconsidered to 5:00 p.m. on September 13, 2010 in Council Chambers at City Hall in Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal; and

WHEREAS, Sutton Hill Residential Cooperative further requested that approval of the rezoning and the PUD Conceptual Development Plan be further deferred to the January 10, 2011 City Council meeting for possible reconsideration.

WHEREAS, on September 13, 2010 by Roll Call No. 10-1494 the City Council duly resolved to continue the hearing at which the proposed rezoning and approval of the PUD Conceptual Development Plan should be reconsidered to 5:00 p.m. on January 10, 2011 in Council Chambers at City Hall in Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal; and

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WHEREAS, Sutton Hill Residential Cooperative further requested that approval of the rezoning and the PUD Conceptual Development Plan be further deferred to the July 11, 2011 City Council meeting for possible reconsideration.


WHEREAS, on January 10, 2011 by Roll Call No. 11-\_\_\_\_\_ the City Council duly resolved to continue the hearing at which the proposed rezoning and approval of the PUD Conceptual Development Plan should be reconsidered to 5:00 p.m. on July 11, 2011 in Council Chambers at City Hall in Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal; and

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

The hearing is hereby opened and at the request of Sutton Hill Residential Cooperative the hearing shall be continued to 5:00 p.m. on July 11, 2011 in the Council Chambers at City Hall in Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal.

FORM APPROVED:

Moved by \_\_\_\_\_ to continue to July 11, 2011 Council Meeting at 5:00 p.m.

  
 Michael F. Kelley  
 Assistant City Attorney

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

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**Rauh, Diane I.**

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**From:** Ludwig, Michael G.  
**Sent:** Tuesday, January 04, 2011 11:23 AM  
**To:** Rauh, Diane I.; Hulse, Larry D.; Delafield, Phil M.; Gunson, Steve A.  
**Subject:** FW: Sutton Hill apartment Expansion

For distribution to Council in packet.

Mike

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**From:** Niebuhr, Steve @ Hubbell Realty [<mailto:steve.niebuhr@HubbellRealty.com>]  
**Sent:** Tuesday, January 04, 2011 11:19 AM  
**To:** Ludwig, Michael G.  
**Subject:** Sutton Hill apartment Expansion

Mike,

Please accept this email as our request to continue the third reading of the zoning amendment to the PUD for this project which is scheduled for the 1/10/11 Council meeting. We would like this to be continued until the July 11, 2011 Council meeting. As you know, the Iowa Supreme Court case regarding the tax classification has yet to be determined and we are hoping it will be decided by the July date.

Thank you

Steven Niebuhr  
Senior Vice President  
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