

Date..... November 21, 2011

WHEREAS, on August 29, 2011, by Roll Call No. 11-1444, the City Council initiated the rezoning of certain property located in the vicinity of 2800 S.E. 8<sup>th</sup> Street, 2933 Indianola Avenue and 2810 S.E. 8<sup>th</sup> Street from the Limited R-3 Multiple Family Residential District classification to the PUD Planned Unit Development District classification, to rezone certain property located in the vicinity of 2839 and 2843 Indianola Avenue from the R1-60 Low Density Single Family Residential District classification to PUD Planned Unit Development District classification and that such proposal be set down for hearing on October 10, 2011, 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 September 29, 2011 as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, on October 6, 2011, the Plan and Zoning Commission recommended: approval of the proposed rezoning of the properties to the PUD Planned Unit Development classification as well as the PUD conceptual plan, subject to the conditions identified in the attached letter from the Planning Administrator; determined that the proposed rezoning is not in conformance with the Des Moines 2020 Community Character Plan; and recommended approval of an amendment to the Des Moines 2020 Community Character Plan to revise the existing future land use designation from Low Density Residential to Low/Medium Density Residential; 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 2800 S.E. 8<sup>th</sup> Street, 2933 Indianola Avenue and 2810 S.E. 8<sup>th</sup> Street and 2839 and 2843 Indianola Avenue, more fully described as follows (the "Property"):

Lots 5 and 6, Southern Meadows, an Official Plat, Lots 5 and 6, Southern Meadows Plat 2, an Official Plat, Lots 1 and 2, Jefferson Heights Replat, an Official Plat, and vacated East Broad Street Right-of-Way lying between the West Right-of-Way line of Southeast 8th Street and the North Right-of-Way line of East Indianola Avenue, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the Limited R-3 Multiple Family Residential District and the R1-60 Low Density Single Family Residential District classification to PUD Planned Unit Development District classification.

WHEREAS, on October 10, 2011 by Roll Call No. 11-1739, the City Council opened the public hearing on the proposed rezoning and continued the hearing until October 24, 2011, at 5:00 p.m.; and

Date..... November 21, 2011

-2-

WHEREAS, on October 24, 2011 by Roll Call No. 11-1831, the City Council opened the public hearing on the proposed rezoning and continued the hearing until November 21, 2011, at 5:00 p.m.; and

WHEREAS, in accordance with the notice those interested in the proposed rezoning, 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 proposed rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

2. The PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, is hereby APPROVED, subject to the plan being first amended to satisfy the conditions as set forth in the attached letter from the Planning Administrator, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

MOVED by \_\_\_\_\_ to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GRIESS				
HENSLEY				
MAHAFFEY				
MEYER				
MOORE				
<b>TOTAL</b>				
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