

Date December 3, 2012

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4312, 4282, 4250 and 4216 East 50th Street from the Limited M-1 Light Industrial to R-3 Multiple-Family Residential District classification",

which was considered and voted upon for the first time under Roll Call No. 12- 1723 of November 5, 2012, and considered and voted upon for the second time under Roll Call No. 12- 1782 of November 19, 2012, again presented.

Moved by _____ that this ordinance do now pass (6/7 Vote Required)

ORDINANCE NO. _____

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

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.

MOTION CARRIED APPROVED

_____ Mayor

_____ City Clerk

★ Roll Call Number
12-1780

Agenda Item Number
29

Date November 19, 2012

An Ordinance entitled, "AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4312, 4282, 4250 and 4216 East 50th Street from the Limited M-1 Light Industrial to R-3 Multiple-Family Residential District classification",

which was considered and voted upon under Roll Call No. 12- 1723 of November 5, 2012; again presented.

Moved by Mahaffey that this ordinance be considered and given second vote for passage (6/7 Vote Required); refer to the City Manager to work with all interested parties to discuss options and cost sharing for the extension of E. Aurora Avenue.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED		APPROVED		

T. M. Franklin Council 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.

Diane Rauh City Clerk

~~12-1923~~
12-1980
36

ORDINANCE NO. _____

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 4312, 4282, 4250 and 4216 East 50th Street from the Limited M-1 Light Industrial to R-3 Multiple-Family Residential District classification.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, be and the same is hereby amended by rezoning and changing the district classification of certain property located in the vicinity of 4312, 4282, 4250 and 4216 East 50th Street, more fully described as follows, from the Limited M-1 Light Industrial to R-3 Multiple-Family Residential District classification:

South 30 feet of Lot 8, and All Lots 9, 10, 11, 12, Broadway Business Park Plat 2, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

Section 3. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance, a vicinity map, and proof of publication of this ordinance, to be properly filed in the office of the Polk County Recorder.

FORM APPROVED:



Michael F. Kelley
Assistant City Attorney

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RUETER CORP.

Todd Rueter-President
Highway 30 West – P.O. Box 227
Grand Junction, IA 50107-0227
Telephone: 515-738-2571
FAX: 515-738-2343

December 3, 2012

City of Des Moines
Attn: City Council
400 Robert D. Ray Drive
Des Moines, IA 50309

RE: Rezoning of 4312, 4282, 4250, and 4216 E. 50th Street from Ltd “M-1” (Light Industrial) to “R-3” (Multi-Family Residential) to allow the development of up to 200 residential apartments.

Dear Member of the Des Moines City Council:

I am writing to express my opposition to the proposed rezoning referenced above based on the current land use policy in place and the general character of the area which is the subject of this proposal.

Rueter Corp. owns approximately 20 acres of land located at the intersection of Highway 65 and NE 46th Avenue which is situated on the east side of the Broadway Business Park which Hubbell Realty now proposes to rezone from commercial use to multi-family residential. It has always been my understanding and intent that this area would be developed as commercial property.

As the attached map illustrates, this area has been designated for commercial use by the Des Moines 2020 Community Character Plan which as you know must guide all zoning decisions. Within that plan are guidelines for transitions from residential to commercial property. Those guidelines call for fences and vegetation to be used as buffers. In the current state, such buffers are practical because the residential neighborhood does not face the commercial property, however, if the zoning change is approved, the residential property and the commercial property will be facing each other eliminating the possibility of such buffers. Approval of this decision would not only be contrary to the planned use, but would be contrary to the 2020 Community Character Plan guidelines for transitions between uses.

City staff has indicated that a zoning change could trigger a change from commercial to residential for over 240 acres of land in the area. Again, this would be contrary to the land

use plan. Under the 2020 Community Character Plan, this area is designated as commercial use. The land use policy plan is in place to guide the development of the land. Given the character of the surrounding area, commercial development is still the best fit for this property. For these reasons, I oppose the approval of the rezoning request.

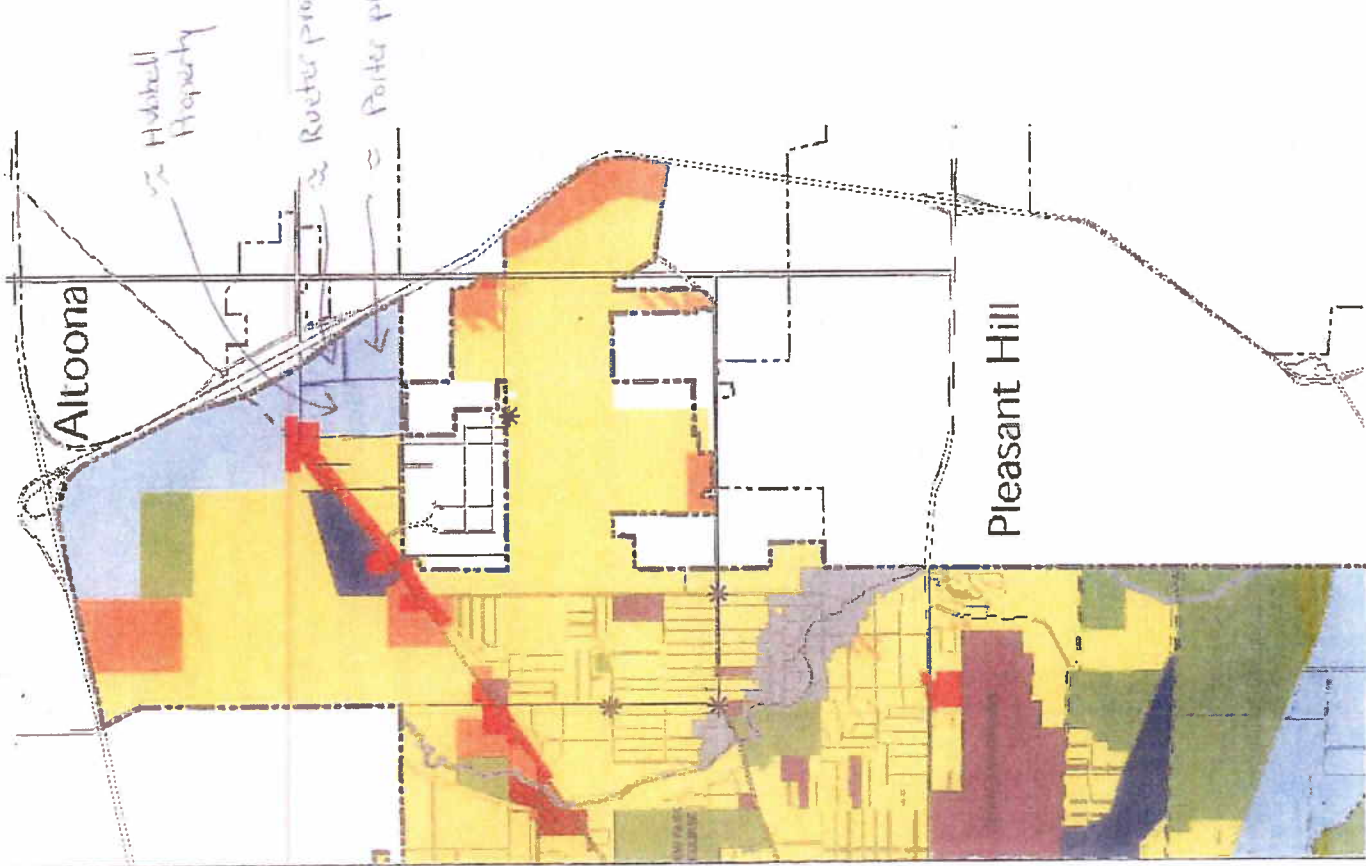
Respectfully,



Todd Rueter

Enclosure

DES MOINES' 2020 COMMUNITY CHARACTER PLAN



LEGEND

RESIDENTIAL

- INTOWN ESTATES RESIDENTIAL**
Areas developed with large lots, up to 2 units per acre
- LOW-DENSITY RESIDENTIAL**
Areas developed with exclusively single family and duplex legal as of Dec. 31, 1996, up to 6 units per net acre
- LOW/MEDIUM DENSITY RESIDENTIAL**
Areas developed with mix of single family, duplex, and small multi-family units, up to 12 units per net acre
- MEDIUM-DENSITY RESIDENTIAL**
Areas developed with multi-family units including those over 8 units, up to 17 units per net acre
- MIXED USE AND DENSITY RESIDENTIAL**
Areas developed with a mix of densities and some limited retail and office. Encourages mix of single family, duplex, small multi-family as well as developments over 17 units per net acre
- HIGH-DENSITY RESIDENTIAL**
Areas developed with High-Rise and Mid-Rise Buildings over 17 units per acre

COMMERCIAL: PEDESTRIAN-ORIENTED

- Site orientation is balanced between the needs of the pedestrian and the convenience of the motorist. The development is compact and walkable connections to adjacent areas exist via public streets and sidewalks.
- NEIGHBORHOOD NODE**
Small-scale commercial serving primarily adjacent neighborhood. Cumulative building total of 25,000 to 50,000 sq. ft.
- NEIGHBORHOOD COMMERCIAL CENTER**
Small-to-moderate scale commercial serving adjacent neighborhood and specialty retail/services. Cumulative building total of 75,000 to 100,000 sq. ft.
- COMMERCIAL CORRIDOR**
Small-to-moderate scale commercial in a linear pattern.