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Date..... December 17, 2012

WHEREAS, on December 3, 2012 by Roll Call No. 12-1836, the City Council duly resolved that a public hearing be held on December 17, 2012 at 5:00 p.m., in Council Chambers at City Hall, to consider a proposal from Wakonda Living, LLC to amend the approved Wakonda Living PUD Planned Unit Development Conceptual Plan for property located in the vicinity of 1430 Park Avenue subject to the following revisions:

1. Inclusion of typical building elevations for the semi-detached dwellings on the Conceptual Plan.
2. Conformance with all administrative review comments by the Permit and Development Center Administrator.

WHEREAS, due notice of the hearing was published in the Des Moines Register on December 6, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the Conceptual Plan being first amended to include the conditions set forth below and as set forth in the attached letter from the Planning Administrator; and

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved PUD Conceptual Plan, 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 said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 1430 Park Avenue, and more specifically described below, are hereby overruled and the hearing is closed:

Lots 1 thru 26 inclusive, Wakonda Plat 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

Date December 17, 2012

2. The amended 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 following conditions recommended by the Plan and Zoning Commission, and subject to approval of such amendments by the Community Development Director:

- (1) Inclusion of typical building elevations for the semi-detached dwellings on the Conceptual Plan.
- (2) Conformance with all administrative review comments by the Permit and Development Center Administrator.

Moved by _____ to adopt and to approve the amended PUD Conceptual Plan

FORM APPROVED:


 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

TO: DES MOINES CITY COUNCIL, ON 12/17/2012

RE: AGENDA ITEM #48, 12/17, 2012

PARK AVENUE PROTESTING
NEIGHBORS

- v. HUBBELL REALTY
- v. ZONING STAFF
- v. CITY OF DES MOINES
PLANNING & ZONING
COMMISSION AND
ITS BOARD MEMBERS
WHO VOTED IN FAVOR
OF HUBBELL REALTY

12/3/2012 STATEMENT OF
PROTEST AND COMPLAINT
TO DES MOINES CITY COUNCIL
FOR PROTESTERS

2012 DEC 17 PM 2:20

FILED

The **Protesting** PARK AVENUE NEIGHBORS who appeared at the two (2) Des Moines City Planning and Zoning Meetings referencing the duplex additions to the Wakonda request by Hubbell Realty complain to the Des Moines City Council as follows:

1. That on two occasions the Zoning Commission voted to first inconsistently deny (7-3) and then, thereafter, and approving (8-3) with one abstaining, showing that the Hubbell Project has serious questions, issues, concerns, deficiencies, inadequacies and unacceptable features and architecture.
2. That said Hubbell request is not acceptable as now requested:

DUPLEXES

Item 2012 0187

Date 11/7/12

I (am) am not in favor of the request.

(Circle One)



Print Name: FREDMAN JR

Signature: [Handwritten Signature]

Address: 3131 FLEET DR #302

Reason for opposing or approving this request may be listed below:

I'm not in favor of increasing the density of living units in our neighborhood.

Item 2012 0187

Date 11-7-2012

I (am) am not in favor of the request.

IN SUBJECT PROPERTY

(Circle One)



Print Name: Timothy J. Formanek

Signature: 1920 Park Avenue

Address: [Handwritten Signature]

Reason for opposing or approving this request may be listed below:

The Duplexes being planned are not an appropriate style of dwelling despite Hobbell's claims of high-quality & price point. Long-term, this type of home in the development will create a greater inconsistency with the development and neighborhood. This seems to be undertaken simply to sell more new homes quickly without regard to the existing area. Very unfortunate.

Item 2012 0187

Date 11-8-12

I (am) (am not) in favor of the request.

(Circle One)



Print Name: Kenneth Lambert

Signature: [Handwritten Signature]

Address: 1821 PARK AVE, 50315-2157

Reason for opposing or approving this request may be listed below:

Four horizontal lines for writing reasons.

Item 2012 0187

Date 11/7/2012

I (am) (am not) in favor of the request.

(Circle One)



Print Name: Judy Kaser

Signature: [Handwritten Signature]

Address: 3130 Fleur Dr Apt 208

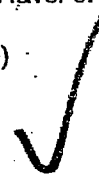
Reason for opposing or approving this request may be listed below:

- ① too many condos in area now.
- ② traffic congestion
- ③ spoil neighborhood feeling
- ④ unfair competition for units trying to be sold now + devaluation of property

Item 2012 0187 Date 11/11/12

I (am) (am not) in favor of the request

(Circle One)



Print Name THOMAS MEREDITH

Signature Thomas Meredith

Address 1914 PARK AVE DES MOINES, IA 50315

Reason for opposing or approving this request may be listed below:

WE PURCHASED OUR HOME ON PARK AVE BASED ON THE MASTER PLAN THAT WAS IN PLACE AT THE TIME AND ~~APPROVING~~ APPROVING THIS REQUEST WILL LIKELY HAVE A NEGATIVE IMPACT ON THE VALUE OF MY HOME. ~~IT IS~~
PART OF SUBJECT PROPERTY

Item 2012 0187 Date 11/06/2012

I (am) (am not) in favor of the request.

(Circle One)



Print Name Jessie Hoch

Signature Jessie Hoch

Address 1331 Fleur Drive #206, DSM 50321

Reason for opposing or approving this request may be listed below:

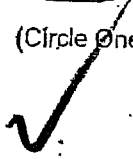
I believe that it will bring down property values & attract lower income families that will make it harder to sell my property in the future.
Thank you!

Item 2012 0187

Date NOVEMBER 13, 2012

I (am) (am not) in favor of the request.

(Circle One)



Print Name Barbara J. McCinney

Signature Barbara J. McCinney

Address 1435 Park Ave.

Reason for opposing or approving this request may be listed below:

The increase in density and
vehicular traffic on Park Ave and
complete changes in the plan and
are not consistent w/ the neighborhood
- the only justification is "profit" for
developer