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Date August 10, 2015

**RESOLUTION HOLDING HEARING ON REQUEST FROM
LUTHER CARE SERVICES TO REZONE PROPERTY LOCATED AT 1546 HULL AVENUE
AND TO AMEND THE LUTHER PARK PUD CONCEPTUAL PLAN**

WHEREAS, on November 17, 2003, by Roll Call No. 03-2612, the City Council adopted Ordinance No. 14,291 to rezone real property located at 2808 E. 16th Street from "R1-60" One-Family, Low Density Residential District and "R-2" One and Two Family Residential District to "PUD" Planned Unit Development District classification for the Luther Park PUD; and

WHEREAS, on August 8, 2005, by Roll Call No. 05-1951, the City Council adopted Ordinance No. 14,478 to rezone real property located in the vicinity of 2722 E. 16th Street and 2209 and 2911 E. 16th Street from the "R1-60" One-Family Low-Density Residential District to the "PUD" Planned Unit Development District classification for the Luther Park PUD; and

WHEREAS, the Luther Park PUD Conceptual Plan and six amendments thereto have been approved by City Council resolution and administrative approval; and

WHEREAS, on July 27, 2015, by Roll Call No. 15-1242, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on July 16, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Luther Care Services (owner), represented by Nick Miller, to rezone property located at 1546 Hull Avenue from "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development District, and to further amend the Luther Park PUD Conceptual Plan to include 1546 Hull Avenue and allow conversion of the former Polk County youth shelter facility to an adult daycare center, subject to the revisions set forth in the communication from the Commission; and

WHEREAS, the real property located at 1546 Hull Avenue, which is proposed to be rezoned (herein "Rezoned Property"), is legally described as follows:

THE PLAT OF SURVEY, PART OF LOT 4 OF THE OFFICIAL PLAT OF THE S1/2 - N1/4 OF SECTION 25-79-24 RECORDED IN BOOK 15224, PAGE 631-632; AND THE 50.0 FOOT RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING SAID PLAT OF SURVEY; AND ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, the real property included in the Luther Park PUD Conceptual Plan, which is proposed to be amended (herein "Amended Property"), is legally described as follows:

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., FURTHER DESCRIBED AS:

LOTS 1 THROUGH 6, AMOS PLACE, AN OFFICIAL PLAT; AND THE NORTH 635.0 FEET OF LOT 1, PARTITION PLAT OF NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SAID

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SECTION 25; AND THE EAST 50.0 FEET OF THE SOUTH 150.0 FEET OF THE NORTH 175.0 FEET OF LOT 11, OF SAID PARTITION PLAT, AND LOTS 1 THROUGH 15, MECHANIC ADDITION, AN OFFICIAL PLAT; AND THE 8.5 FOOT VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING OF SAID LOT 1 THROUGH 15, (EXCEPT THE WEST 1/2 OF VACATED ALLEY LYING WEST OF THE SOUTH 13.39 FEET OF SAID LOT 13, AND THE WEST 1/2 OF VACATED ALLEY LYING WEST OF SAID LOT 14 & 15,) AND LOTS 5,6 AND 7, LINDQUIST PLACE REPLAT, AN OFFICIAL PLAT, AND THE 8.0 FOOT VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID LOTS 5,6, AND 7, AND A TRIANGULAR PIECE BEGINNING AT THE SW CORNER OF LOT 4, LINDQUIST PLACE REPLAT; THENCE EAST 27.0 FEET ALONG SAID LOT LINE; THENCE NORTHWESTERLY TO A POINT 1.5 FEET NORTH OF SAID CORNER; THENCE SOUTH 1.5 FEET TO THE POINT OF BEGINNING, AND THE 50.0 FOOT RIGHT-OF-WAY LYING WEST OF AND ADJOINING SAID LOTS 5,6,& 7; AND THE PLAT OF SURVEY, PART OF LOT 4 OF THE OFFICIAL PLAT OF THE S1/2 - N1/4 OF SECTION 25-79-24 RECORDED IN BOOK 15224, PAGE 631-632; AND THE 50.0 FOOT RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING SAID PLAT OF SURVEY; AND ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, on July 27, 2015, by Roll Call No. 15-1242, it was duly resolved by the City Council that the application from Luther Care Services to rezone the Rezoned Property, and the request from Luther Care Services for approval of a seventh (7th) amendment to the Luther Park PUD Conceptual Plan for the Amended Property, be set down for hearing on August 10, 2015 at 5:00 P.M., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance and to the Luther Park PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed amendment to the approved Luther Park 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Rezoned Property locally known as 1546 Hull Avenue and legally described above.

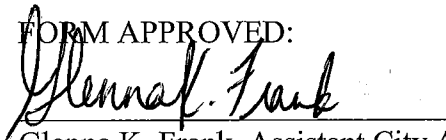
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

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1. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Rezoned Property to "PUD" Planned Unit Development District, and any objections to the proposed seventh (7th) amendment to the Luther Park PUD Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Rezoned Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Rezoned Property as set forth herein.
3. The proposed seventh (7th) amendment to the Luther Park PUD Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the Des Moines' 2020 Community Character Land Use Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 15-1242, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY _____ TO ADOPT.

FORM APPROVED:



Glenna K. Frank, Assistant City Attorney

(ZON2015-00122)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
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