



**Roll Call Number**

08-151

**Agenda Item Number**

52

**Date** January 28, 2008

WHEREAS, on January 7, 2008, by Roll Call No. 08-036, it was duly resolved by the City Council, that the City Council consider a proposal from Foods, Inc. (owner) to rezone certain property located in the vicinity of 3425 Ingersoll Avenue, Des Moines, Iowa 50312 from the NPC and R1-60 District classification to the PUD Planned Unit Development District classification, and to approve the proposed PUD Conceptual Plan for such property, and that such proposal be set down for hearing on January 28, 2008, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on January 17, 2008, as provided by law, setting forth the time and place for hearing on said 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 3420 Ingersoll Avenue, Des Moines, Iowa 50312, more fully described as follows (the "Property"):

~~Lots 9, 10 and 11 Crescent Place, an Official Plat; and Lots 16, 17, 18 & 19, Stratford, an Official Plat (Except a portion of Lot 19 beginning at the NW corner of said Lot 19, thence S89°20'55"E, 79.89 feet along the North line of said Lot 19 to a point, thence S89°27'48"W, 69.88 feet to a point; thence S45°24'33"W, 14.06 feet to a point on the West line of said Lot 19; thence N00°00'03"W, 20.04 feet along said West line to the Point of Beginning), all now included in and forming a part of the City of Des Moines, Polk County, Iowa.~~

from the NPC and R1-60 District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Administrator; and,

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

2. The proposed rezoning and PUD Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

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3. 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 following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

The Conceptual Plan shall be amended as set forth in the attached letter from the Planning Administrator.

(Council Communication No. 08-037 )

MOVED by Hensley to close the public hearing on the proposed rezoning; to continue the public hearing on the proposed Conceptual Plan until February 11, 2008 at 5:00 P.M.; and, to direct the City staff to work with the applicant and the neighborhood to amend the proposed Conceptual Plan to incorporate the changes discussed by the City Council.

FORM APPROVED:

Michael F. Kelley
Assistant City Attorney

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, HENSLEY, KIERNAN, MAHAFFEY, MEYER, VLASSIS, and TOTAL (YEAS: 7).

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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk