



Roll Call Number

09-225

Agenda Item Number

47

Date February 9, 2009

WHEREAS, on January 26, 2009, by Roll Call No. 09-091, it was duly resolved by the City Council, that the City Council consider a proposal from Hubbell Realty Company to rezone certain property located in the vicinity of 921 Murphy Street from C-3B District Classification to 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 February 9, 2009 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 on January 29, 2009, as provided by law, setting forth the time and place for hearing on said proposed amendment to the approved PUD Conceptual Plan; 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 921 Murphy Street, more fully described as follows (the Property):

Parcel F:

A parcel of land being part of Lots 9, 10, and P, Factory Addition Plat 3, an Official Plat, more particularly described as follows: Commencing at the Northeast corner of Lot 10, said Factory Addition Plat 3; thence South 15° (degrees) 25' (minutes) 13" (seconds) East along East line of said Lot 10, a distance of 20.73 feet to the Point of Beginning; thence continuing South 15° (minutes) 25' (minutes) 13" (seconds) East along the East line of said Lot 10 and Lot 9 of said Factory Addition Plat 3 a distance of 604.84 feet; thence South 74° (degrees) 32' (minutes) 06" (seconds) West a distance of 628.91 feet; thence North 07° (degrees) 52' (minutes) 20" (seconds) West a distance of 610.98 feet; thence North 74° (degrees) 37' (minutes) 02" (seconds) East a distance of 548.65 feet to the Point of Beginning.

Also

510 SW 9th Street:

Lot 11, and Lot 12 except the South 52.8 feet of said Lot 12, and the North 635.2 feet Lot J, Factory Addition Plat 3, an Official Plat, and the vacated South 6 inches of Murphy Street Right-of-Way lying North of and adjoining said Lot 11, and the West 6 inches of vacated SW 9th Street Right-of-Way lying East of and adjoining said Lot 11, and a 6 inch square of SW 9th Street Right-of-Way lying East of and adjoining said South 6 inches of Vacated Murphy Street Right-of-Way, said Factory Addition Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the C-3B District Classification to the PUD Planned Unit Development District classification; 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 as set forth in the attached letter from the Planning Administrator; and,

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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 921 Murphy Street, are hereby overruled and the hearing is closed.

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

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 conditions 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 Hensley to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

[Signature]
 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

[Signature] 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.

[Signature] City Clerk