



Roll Call Number

09-687

Agenda Item Number

61

Date April 20, 2009

WHEREAS, on January 5, 2009 by Roll Call No. 09-017 it was duly resolved that the application of Hubbell Realty Company (developer) represented by Steve Neibuhr (officer) to rezone property located at 5525 SE 14th Street, from Limited R-3 Multiple-Family Residential District to R-3 Multiple-Family Residential District, removing the limitation of senior residential housing on multiple-family dwellings and allowing for 240 apartments would be considered at a public hearing in Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on January 26, 2009; and

WHEREAS, the above described application was considered by the City Plan and Zoning Commission on January 15, 2009 at which time the Commission DENIED the application by voting 5 members in favor and 5 members opposed on a motion to approve the application. No further motion on this matter was brought forward; and

WHEREAS, due notice of the January 26th hearing before the City Council was published in the Des Moines Register on January 29, 2009 as provided by law, setting forth the time and place for hearing on the proposed application; and

WHEREAS, on January 26, 2009 by Roll Call No. 09-130, the City Council continued the hearing on the proposed rezoning to the February 9, 2009 Council meeting at 5:00 p.m. and directed the City Manager to report at that time on watershed and traffic issues, and the possibility of establishing a TIF district to serve the area; and

WHEREAS, on February 9, 2009 by Roll Call No. 09-214 the City Council continued the hearing on the proposed rezoning to the April 20, 2009 Council meeting at 5:00 p.m. and directed the creation of a task force of neighbors to work with the City Manager and Councilmember Meyer to review and make recommendations regarding street repairs, water control and traffic control; and

WHEREAS, City staff have arranged and facilitated meetings attended by Councilmember Meyer, the developer, surrounding property owners and recognized neighborhood associations at which the concerns raised by the City Council as well as other issues were discussed, as set forth in more detail in the accompanying Council Communication; and

WHEREAS, in accordance with the published notice and Roll Call continuing the date of the hearing, those interested in the proposed rezoning, both for and against, have been given the opportunity to be heard with respect thereto and have presented their views to the City Council.

Except the West 400 feet, and except the East 510 feet of the South 538.64 feet, and Except the South 4.5 feet of the East 240.75 feet of the West 1033.5 feet – the South 25 acres of Lot 5, Official Plat of the Northwest Quarter of Section 26,



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Township 78 North, Range 24 West of the 5th P.M.; and, except the West 30 feet and except the East 10.2 feet – Lot 7, Capitol View Acres, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of the City of Des Moines that upon due consideration of the facts and statements of interested persons and arguments of counsel, the hearing is closed and the application to rezone the above-described property by removing the limitation of senior residential housing as set forth herein is hereby:

(Six votes needed for approval)

APPROVED: _____

DENIED: _____

(Council Communication No. 09-253 attached)

Moved by Hensley to close the hearing; refer to the City Manager to report back on the following items at the May 4th Council meeting.

APPROVED AS TO FORM:

- 1.) Density
2.) Traffic - Ingress/Egress
3.) Storm Water flow
4.) Alternate location on SE 14th
5.) 2020 Community Character Plan-best use of the property

Michael F. Kelley
Assistant City Attorney

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

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