

★ Roll Call Number

09-885

Agenda Item Number

57

Date May 18, 2009

AN ORDINANCE to amend the Official Zoning Map of the City of Des Moines, Iowa, set forth in Section 134-277 of the Municipal Code of the City of Des Moines, Iowa, 2000, by rezoning and changing the district classification of certain property located in the vicinity of 5525 SE 14<sup>th</sup> Street from Limited R-3 Multiple-Family Residential District to R-3 Multiple-Family Residential District, removing the limitation of senior residential housing.

which was considered and voted upon under Roll Call No. 09-683 of April 20, 2009, and on May 4, 2009 by Roll Call No. 09-766 was deferred to the May 18<sup>th</sup> Council meeting with directions to the City Manager to facilitate a meeting between Developer, Neighbors and City Departments; again presented.

Moved by Coleman that this ordinance be considered and given second vote for passage, subject to Developers agreement upon terms set forth in Council Communication No. 09-349, and refer to the City Manager to ensure the conditions approved by Council related to the final passage of zoning amendments are implemented. These conditions include: 1) to refer the water issues along Diehl, and other infrastructure needs in the area to the City Manager for further review in conjunction with TIF review and other possible funding sources; 2) no site plan is to be approved for the property contrary to Council Communication Number 09-349 or the Hubbell letter submitted on this item; 3) the City Clerk, Legal, and Community Development Departments to immediately notify Council and put an item on the agenda for a Council-initiated rezoning of the property if a site plan is submitted contrary to the Council Communication or Hubbell letter; if a site plan is submitted by someone other than Hubbell, or if there is a change in ownership of the property; and 4) to direct that Council Member Meyer be kept in the loop on any communication on this project.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER		✓		
VLASSIS	✓			
TOTAL	6	1		

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 Course Mayor

Diane Fauh City Clerk