

★ Roll Call Number

10-1077

Agenda Item Number

51

June 28, 2010

Date

WHEREAS, on April 26, 2010 by Roll Call No. 10-604, the City Council duly resolved to consider a proposal from Sutton Hill Residential Cooperative to rezone certain property located in the vicinity of 2080 King Avenue from the R-6 and R1-80 District classification to the PUD Planned Unit Development District classification, and to consider the proposed PUD Conceptual Development Plan for such property, and that such proposal be set down for hearing on May 10, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on April 29, 2010, as provided by law, setting forth the time and place for hearing on the 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 2080 King Avenue, more fully described as follows (the "Property"):

Lot 4, Park Forest Plat 4, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The North 135 feet of the East 1030 feet of Outlot "X", Park Forest Plat 3, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

And

The South 14 feet of the West 923 feet of the East 958 feet of the Southeast Quarter of the Northeast Quarter of Section 14, Township 78 North, Range 24 West of the 5th P.M.

from the R-6 and R1-80 District classifications to the PUD Planned Unit Development District classification; and

WHEREAS, on May 10, 2010 by Roll Call No. 10-746, the City Council resolved to approve the first of three readings for the rezoning, to approve the PUD Conceptual Development Plan and to refer to the City Manager to review the fiscal impact of the property taxes for this project, and to continue to work with the neighbors to gather additional ideas and address issues in the neighborhood including parking near the Cownie soccer fields; and

WHEREAS, Sutton Hill Residential Cooperative requested that approval of the rezoning and the PUD Conceptual Development Plan should be deferred to the June 14, 2010 City Council meeting for possible reconsideration; and

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10-1097

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WHEREAS, on May 24, 2010 by Roll Call No. 10-837 the City Council duly resolved to reconsider the proposed rezoning and approval of the PUD Conceptual Development Plan at 5:00 p.m. on June 14, 2010 in Council Chambers, City Hall; and

WHEREAS, notice of the hearing was published in the Des Moines Register on June 4, 2010 as provided by law, setting forth the time and place of the proposed amendment to the rezoning ordinance; and

WHEREAS, Sutton Hill Residential Cooperative further requested that approval of the rezoning and the PUD Conceptual Development Plan be further deferred to the June 28, 2010 City Council meeting for possible reconsideration; and

WHEREAS, on June 14, 2010 by Roll Call No. 10-957, the City Council of the City of Des Moines duly resolved that the meeting of the City Council at which the proposed rezoning and approval of the PUD Conceptual Development Plan shall be re-considered shall be continued to 5:00 p.m. on June 28, 2010, in Council Chambers at City Hall in Des Moines, Iowa, at which time the City Council will hear both those who oppose and those who favor the proposal.

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 the proposed rezoning and PUD Conceptual Plan are hereby overruled, and the hearing is closed.

2. The proposed rezoning and PUD Conceptual Plan, as amended by the conditions set forth below, are 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 following conditions, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan:

1. The entire site shall have a maximum density of 16.97 dwelling units per acre to allow a maximum of 286 units (210 existing and 76 new) on 16.85 acres.

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2. The note for building setbacks on Page 1 of the Conceptual Plan shall be corrected to reflect the 20-foot setback along the north site boundary demonstrated on Page 2 of the Conceptual Plan.
3. A note shall be added to the Conceptual Plan to state that all garage doors on the site shall be maintained in a functional working order.
4. A note shall be added to the Conceptual Plan to state that all refuse collection on the site (new and existing) shall be enclosed and effectively screened on all sides by enclosures constructed with steel gates and brick or masonry materials to match the brick or masonry on the proposed buildings.
5. A note shall be added to the Conceptual Plan to state that all utility meters shall be placed on building facades that do not face parking lots or streets.
6. A note shall be added to the Conceptual Plan to state that the 3-foot tall wood fence that screens the eastern perimeter of the parking lot from SE 22nd Street shall be placed 2 feet back from the curb of the parking lot, with plantings placed on the street-side of the fence.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

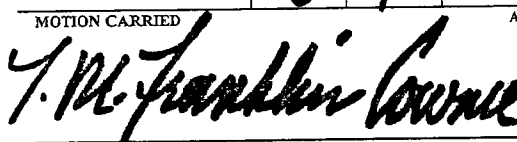
Moved by Hensley to continue to September 13 Council Meeting at 5:00 P.M.
 *Previous motion by Meyer to deny failed 3-4.
 Yeas - Meyer, Cownie and Moore. Nays - Coleman, Griess, Hensley and Mahaffey.
(Council Communication No. 10-413)

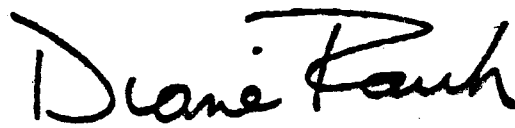
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER		✓		
MOORE	✓			
TOTAL	6	1		

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.


 T. M. Franklin Cownie
 Mayor


 Diane Rauh
 City Clerk