

11-0208
February 14, 2011

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Date.....

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on January 20, 2011, its members voted 11-0 support of a motion to recommend **APPROVAL** of a request from Grand View University (owner), to rezone property located at 1422 and 1431 Morton Avenue from "R1-60" One-Family Low-Density Residential to "PUD" Planned Unit Development. 1422 Morton Avenue is owned by Russell and Betty Walker.

The subject property is more specifically described as follows:

EXISTING PUD

LOTS 4, 5, 6, AND THE WEST 225.0 FEET OF THE NORTH 137.1 FEET OF LOT 7 AND THE EAST 463.4 FEET OF LOT 7 EXCEPT THE SOUTH 25.0 FEET OF THE EAST 463.4 FEET OF LOT 7 AND THE SOUTH 300.0 FEET OF LOT 8, EXCEPT THE WEST 70.0 FEET OF THE NORTH 25.0 FEET OF LOT 8, THE NORTH 328.0 FEET OF LOT 8 EXCEPT NORTH 25.0 FEET OF THE WEST 48.5 FEET OF THE NORTH 165.5 FEET OF LOT 8 AND EXCEPT THE WEST 70.0 FEET OF THE SOUTH 25.0 FEET OF THE NORTH 328.0 FEET OF LOT 8, ALL OF LOTS 9 AND 10 AND LOT 11 EXCEPT THE NORTH 150.0 FEET OF THE EAST 100.0 FEET OF LOT 11 AND THE SOUTH 1/2 OF LOT 12 EXCEPT THE SOUTH 25.0 FEET OF LOT 12, ALL WITHIN THE PARTITION PLAT OF THE NORTHWEST 1/4 SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AND THE SOUTH 1/2 OF LOT 1 OF THE PARTITION PLAT OF THE NORTHEAST 1/4 SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., AN OFFICIAL PLAT EXCEPT THE SOUTH 25.0 FEET AND EXCEPT THE EAST 75.0 FEET OF THE NORTH 125.0 FEET OF THE SOUTH 150.0 FEET OF SAID LOT 1 AND ALL OF THE WEST 1/2 OF THE VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING THE SOUTH 1/2 OF SAID LOT 1 EXCEPT THE SOUTH 125.0 FEET OF THE WEST 1/2 OF SAID VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY; AND THE SOUTH 418.25 FEET OF LOT 12, SCROGG'S ACRES, AN OFFICIAL PLAT; AND LOTS 1 THROUGH 20, WOODS AND BELLS ADDITION, AN OFFICIAL PLAT, AND THAT PART OF VACATED EAST/WEST RIGHT-OF-WAY OF BOYD STREET LYING EAST OF E. 14TH STREET, AND LOTS 7, 8, 9,10, 11, 12,13, 14, AND THE VACATED RIGHT-OF-WAY OF STREET LOT A (MORTON AVE.) AND LOT B (IDAHO ST.) LYING EAST OF THE WEST LINE OF SAID LOT 10 EXTENDED NORTH TO THE SOUTH LINE OF SAID LOT 12 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, AND LOTS 1 THROUGH 11 OF MILLER'S ADDITION, AN OFFICIAL PLAT, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

-CONTINUE-

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AREAS TO BE REZONED PUD

LOT 10 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

LOT 13 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

THE VACATED RIGHT-OF-WAY OF STREET LOT A (MORTON AVE.) AND LOT B (IDAHO ST.) LYING EAST OF THE WEST LINE OF SAID LOT 10 EXTENDED NORTH TO THE SOUTH LINE OF SAID LOT 12 OF BALL PARK HEIGHTS, AN OFFICIAL PLAT, 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 Des Moines, Iowa, as follows:

1. That the meeting of the City Council at which the proposed rezoning is to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa at 5:00 p.m. on February 28, 2011, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

FORM APPROVED:

MOVED by Hensley to adopt.

[Signature]

* Council Member Mahaffey declares a conflict of interest and abstains from voting.

Michael F. Kelley
Assistant City Attorney

(ZON2010-00229)

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

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.

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

Diane Rauh

City Clerk