

★ Roll Call Number

11-0351

Agenda Item Number

54B

Date February 28, 2011

WHEREAS, on February 14, 2011, by Roll Call No. 11-0208, the City Council duly resolved to consider a proposal from Grand View University and Russell and Betty Walker to rezone certain property located at 1422 and 1431 Morton Avenue from the R1-60 One-Family Low-Density Residential District classification to the 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 28, 2011, 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 February 17, 2011, 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 1422 and 1431 Morton Avenue, more fully described as follows (the "Property"):

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

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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.

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.

from the R1-60 District classification to the PUD Planned Unit Development District classification; and,

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning and PUD conceptual plan be approved, subject to the conditions identified in the attached letter from the Planning Director; and,

WHEREAS, in accordance with the notice those interested in the proposed rezoning, 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 the proposed rezoning and PUD Conceptual Plan are hereby overruled and the hearing is closed.

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2. The proposed rezoning and PUD Conceptual Plan 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 as set forth in the attached letter from the Zoning Director.

MOVED by Moore to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance.

APPROVED AS TO FORM:



Michael F. Kelley
Assistant City Attorney

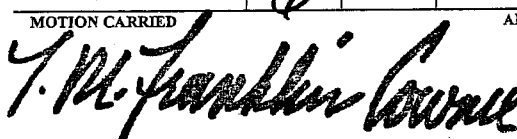
*Council Member Mahaffey declares a conflict of interest and abstains from voting.

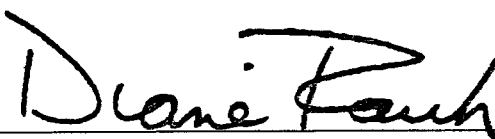
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
* MAHAFFEY				
MEYER	✓			
MOORE	✓			
TOTAL	6			

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