

11-0460

35 D

Date March 14, 2011

WHEREAS, on February 28, 2011, by Roll Call No. 11-0305, the City Council duly resolved to consider a proposal from Monte and Krista Bennett to rezone certain property located in the vicinity of 1910 Cottage Grove Avenue from the NPC Neighborhood Pedestrian Commercial District, R-HD Residential Historic District and R-3 Multiple Family 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 March 14, 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 March 3, 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 1910 Cottage Grove Avenue, more fully described as follows (the "Property"):

1910 COTTAGE GROVE AVENUE

LOT 6, BLOCK E IN KUHN'S ADDITION, DES MOINES, POLK COUNTY, IOWA, LYING EAST OF AND ADJOINING THE EASTERLY RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; AND, LOTS 1 AND 2, BLOCK F, IN SAID KUHN'S ADDITION, LYING SOUTH OF AND ADJOINING THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE GROVE AVENUE AS IT IS PRESENTLY ESTABLISHED; AND, LOT 3, BLOCK F IN SAID KUHN'S ADDITION, LYING SOUTH OF AND ADJOINING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COTTAGE GROVE AVENUE AND WEST OF ADJOINING THE WESTERLY RIGHT-OF-WAY LINE OF 19th STREET AS IT IS PRESENTLY ESTABLISHED; AND, THE 19th PLACE VACATED RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 6, BLOCK E IN SAID KUHN'S ADDITION; AND, THE NORTH SEVEN FEET CROCKER STREET VACATED RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING LOT 1. BLOCK F IN SAID KUHN'S ADDITION AND LYING SOUTH OF AND ADJOINING THE WEST ONE-HALF OF LOT 2, BLOCK F IN SAID KUHN'S ADDITION, AND THE NORTH SEVEN FEET OF SAID CROCKER STREET LYING WEST OF THE SOUTHERLY EXTENSION OF SAID LOT 1, (0.42 ACRES)
AND,

CROCKER WEST OF 19TH TO BE VACATED AND CONVEYED

CROCKER STREET RIGHT-OF-WAY LYING WEST OF THE NORTHERLY EXTENSION OF THE WEST RIGHT-OF-WAY LINE OF 19th PLACE AS IT IS PRESENTLY ESTABLISHED; NORTH OF AND ADJOINING THE 19th PLACE VACATED RIGHT-OF-WAY LYING EAST OF AND ADJOINING LOT 1, BLOCK B IN LEYNEERS PLAT, DES MOINES, POLK COUNTY, IOWA; NORTH OF AND ADJOINING LOT 1, BLOCK B IN SAID LEYNEERS PLAT; AND EAST OF AND ADJOINING THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARTIN LUTHER KING JR. PARKWAY; (0.15 ACRES)
AND,

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1916 CROCKER STREET

THE EAST 43.33 FEET OF LOTS 1 AND 2, BLOCK B IN LEYNERS PLAT, DES MOINES, POLK COUNTY, IOWA, AND, THE SIXTEEN AND ONE-HALF FEET WIDE 19th PLACE VACATED RIGHT-OF-WAY, LYING EAST OF AND ADJOINING SAID LOTS 1 AND 2, BLOCK B; (0.14 ACRES)
AND,

1918 CROCKER STREET

WEST ONE-HALF OF THE EAST EIGHTY-SIX AND TWO-THIRDS FEET OF LOTS 1 AND 2, BLOCK B IN LEYNERS PLAT, DES MOINES, POLK COUNTY, IOWA, (0.10 ACRES)
AND,

1920 CROCKER STREET

THE WEST FOURTY THREE AND ONE THIRD FEET OF LOTS 1 AND 2, BLOCK B IN LEYNERS PLAT, DES MOINES, POLK COUNTY, IOWA, LYING EAST OF AND ADJOINING THE EASTERLY RIGHT-OF-WAY LINE OF MARTIN LUTHER KING JR. PARKWAY AS IT IS PRESENTLY ESTABLISHED; (0.10 ACRES)
AND,

1919 LEYNER STREET

THE EAST 43.33 FEET OF LOTS 4 AND 5, BLOCK B IN LEYNERS PLAT, DES MOINES, POLK COUNTY, IOWA, AND, THE SIXTEEN AND ONE-HALF FEET WIDE 19th PLACE VACATED RIGHT-OF-WAY, LYING EAST OF AND ADJOINING SAID LOTS 4 AND 5, BLOCK B; (0.14 ACRES)
AND,

NON-ADDRESSED PARCEL OF BENNETT PROPERTY MANAGEMENT, LLC

LOT 3, BLOCK B IN LEYNERS PLAT, DES MOINES, POLK COUNTY, IOWA, AND, THE SIXTEEN AND ONE-HALF FEET WIDE 19th PLACE VACATED RIGHT-OF-WAY, LYING EAST OF AND ADJOINING SAID LOT 3, BLOCK B; (0.14 ACRES)
AND,

(NORTH SOUTH ALLEY FROM LEYNER)

THE NORTH-SOUTH ALLEY IN BLOCK B, IN SAID LEYNERS PLAT, LYING WEST OF AND ADJOINING LOTS 1, 2, 3, 4, AND 5, BLOCK B IN SAID LEYNERS PLAT AND EAST OF AND ADJOINING THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARTIN LUTHER KING JR. PARKWAY, (0.05 ACRES)
AND,

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(CITY DISPOSITION PARCEL 7)

LOTS 6, 7, 8, 9, AND 10. BLOCK B IN SAID LEYNEERS PLAT, LYING EAST OF AND ADJOINING THE EASTERLY RIGHT-OF-WAY LINE OF SAID MARTIN LUTHER KING JR. PARKWAY; (0.37 ACRES)
AND,

(846 19th STREET)

LOT 1, BLOCK A IN LEYNEERS PLAT, DES MOINES, POLK COUNTY, IOWA, EXCEPT THE EAST TWELVE FEET THEREOF; AND, THE TWELVE FEET WIDE 19th PLACE VACATED RIGHT-OF-WAY, LYING WEST OF AND ADJOINING SAID LOT 1, BLOCK A; IN SAID LEYNEERS PLAT; (0.15 ACRES)
AND,

(834 19th STREET)

LOTS 2, 3, AND 4, BLOCK A IN LEYNEERS PLAT, EXCEPT THE EAST TWELVE FEET THEREOF; AND, THE TWELVE FEET WIDE 19th PLACE VACATED RIGHT-OF-WAY, LYING WEST OF AND ADJOINING SAID LOTS 2, 3, AND 4, BLOCK A; (0.45 ACRES)
AND,

(19TH PLACE RIGHT OF WAY – ACREAGE NOT INCLUDED IN REQUIRED PUD ACREAGE CALCULATION)

THE 19th PLACE RIGHT-OF-WAY, LYING NORTH OF AND ADJOINING THE NORTH RIGHT-OF-WAY LINE OF LEYNER STREET AS IT IS PRESENTLY ESTABLISHED AND SOUTH OF AND ADJOINING THE SOUTH RIGHT-OF-WAY LINE OF SAID CROCKER STREET (0.37 ACRES).

SAID TRACT OF LAND CONTAINS A TOTAL OF 2.43 ACRES LESS MORE OR LESS

from the NPC, R-HD and R-3 District classifications 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 Administrator; 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.

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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 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 Planning Director and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan.

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

FORM APPROVED:

[Signature]
 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED	APPROVED			

T. M. Franklin 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.

[Signature] City Clerk