

★ Roll Call Number
11-1865

Agenda Item Number
20

Date November 7, 2011

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on October 20, 2011, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Franklin Field Senior Apartments, LLLP (developer) represented by John Mauro (agent) to rezone property located in the vicinity of 5300 Franklin Avenue from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development District.

The subject properties are more specifically described as follows:

A tract of land in the SE ¼ of the NW Fractional ¼ of Section 31, Township 79 North, Range 24 West of the 5th P.M., in the City of Des Moines, Polk County, Iowa; Beginning at the Northeast Corner of Lot H in Mesa Park, an Official Plat; thence South 90° (degrees) 00' (minutes) 00" (seconds) East, parallel to the North line of said SE ¼ NW ¼, a distance of 470.41 feet; thence S00°36'35"E, a distance of 89.50 feet; thence S89°23'25"W, a distance of 71.00 feet; thence S00°36'35"E, a distance of 56.00 feet; thence N89°23'25"E, a distance of 71.00 feet; thence S00°36'35"E, a distance of 64.51 feet; thence N90°00'00"W, a distance of 469.54 feet; thence N00°50'54"W, a distance of 210.02 feet to the Point of Beginning; said tract being subject to and together with any and all easements of record. Said tract contains 2.17 acres more or less.

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 November 21, 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 Mahaffey to adopt.

Michael F. Kelley
Michael F. Kelley, Assistant City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GRIESS | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MEYER | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |

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
Mayor

Diane Rauh
City Clerk