

★ Roll Call Number

12-0343

Agenda Item Number

48

Date February 27, 2012

WHEREAS, on February 13, 2012, by Roll Call No. 12-0187, the City Council duly resolved to consider a proposal from Grand View University to rezone certain property located in the vicinity of 2919 East 14<sup>th</sup> Street and 1517 Hull Avenue from the C-2 General Retail and Highway-Oriented Commercial District and R1-60 One-Family Low-Density Residential District to the PUD Planned Unit Development District classification and to approve an amendment to the PUD Conceptual Plan for such property, and that such proposal be set down for hearing on February 27, 2012, at 5:00 P.M., in the Council Chambers at City Hall; 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, due notice of the hearing was published in the Des Moines Register on February 16, 2012, 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 properties located in the vicinity of 2919 East 14<sup>th</sup> Street and 1517 Hull Avenue, more fully described as follows (the "Property"):

To be rezoned from C-2 to PUD:

(Except beginning at Northwest corner Lot 11, thence East 51.24 feet, thence Southwest 32.97 feet, thence Southwest 22.72 feet, thence North 17.4 feet to Point of Beginning) Lots 9, 10, and 11, Miller's Addition, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

To be rezoned from R1-60 to PUD:

West 50 feet, East 100 feet, South 150, North 175 feet, Lot 11, Partition Plat, Northwest  $\frac{1}{4}$ , Southwest  $\frac{1}{4}$ , Section 25, Township 79 North, Range 24 West of the 5<sup>th</sup> P.M., an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

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Amended PUD with above parcels included:

(Except the West 33 feet) Lots 4, 5, 6, and (Except the West 33 feet) the West 258.0 feet of the North 137.1 feet of Lot 7 and (Except the South 25 feet of the East 463.4 feet) the East 463.4 feet of Lot 7 and (Except the North 25 feet) Lots 8, 9 and 10 and (Except the North 25 feet and Except the East 50 feet of the South 150 feet of the North 175 feet) Lot 11 and (Except the South 25 feet) the South 1/2 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., an Official Plat and (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) 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 and (Except the South 125.0 feet of the West 1/2 of vacated North/South alley Right-Of-Way lying East of and adjoining the South 1/2 of said Lot 1) 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; 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. 14<sup>th</sup> 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 (Except beginning at Northwest corner Lot 11, thence East 51.24 feet, thence Southwest 32.97 feet, thence Southwest 22.72 feet, thence North 17.4 feet to Point of Beginning) 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,

from the C-2 General Retail and Highway-Oriented Commercial District and R1-60 One-Family Low-Density Residential District classification to the PUD Planned Unit Development District classification, subject to the following conditions:

- a) The Conceptual Plan shall be revised to demonstrate additional landscape islands within the proposed parking lot expansion.
- b) The elevations shall be revised so that the entire first floor of the 4-story building addition is sided with brick veneer.

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 are hereby overruled and the hearing is closed.

2. The proposed rezoning to the PUD District classification and the amendment to the PUD Conceptual Plan are hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- a) The Conceptual Plan shall be revised to demonstrate additional landscape islands within the proposed parking lot expansion.
- b) The elevations shall be revised so that the entire first floor of the 4-story building addition is sided with brick veneer.

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 conditions identified in the attached letter from the Planning Administrator.

MOVED by Moore to adopt and approve the rezoning from the C-2 General Retail and Highway-Oriental Commercial and R1-60 One-Family Low-Density Residential to the PUD Planned Unit Development Classification and the amended PUD Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

*[Signature]*

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.

*[Signature]*  
Mayor

*[Signature]*  
City Clerk