

★ Roll Call Number

12-1034

Agenda Item Number

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Date June 25, 2012

WHEREAS, on June 11, 2012, by Roll Call No. 12-0886, the City Council duly resolved to consider a City-initiated proposal to rezone certain property located in the vicinity of 1540 Scott Avenue from the M-2 Heavy Industrial 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 June 25, 2012, 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 June 14, 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 property located in the vicinity of 1540 Scott Street, more fully described as follows (the "Property"):

A PORTION OF LOTS 23, 24, 51, 60, 61, 82, 93, 94, AND 107, AND ALL OF LOTS 25 THRU 50, 62 THRU 81, 95 THRU 106 AND A PORTION OF VACATED ALLEY ADJOINING LOTS 102 THRU 107, VACATED SOUTHEAST 15TH COURT, VACATED ALLEY ADJOINING LOTS 61 THRU 72, VACATED ASTOR STREET, VACATED ALLEY ADJOINING LOTS 38 THRU 51, COTTAGE ADDITION, AN OFFICIAL PLAT; AND ALL OF LOTS 4 THRU 23, AND A PORTION OF LOTS 3 AND 24, AND A PORTION OF THE VACATED ALLEY ADJOINING LOTS 3 THRU 13, GEO GARVER'S SUB-DIVISION OF LOTS 1 & 2 OF OFFICIAL PLAT OF LOT 47 OF BROOKS & COS ADD TO DES MOINES, AN OFFICIAL PLAT; AND ALL OF LOT 3 OF THE OFFICIAL PLAT OF LOT 46 OF BROOKS & COS ADDITION TO THE CITY OF DES MOINES, AN OFFICIAL PLAT; AND A PORTION OF VACATED SOUTHEAST 16TH STREET, AND A PORTION OF VACATED SOUTHEAST 16TH COURT, AND A PORTION OF VACATED RAILROAD RIGHT OF WAY, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT OF REFERENCE BEING THE SOUTHWEST CORNER OF EAST 15TH STREET AND THE FORMER CHICAGO BURLINGTON AND QUINCY RAILROAD RIGHT OF WAY; THENCE NORTH 00°(DEGREES)03'(MINUTES)46"(SECONDS) EAST, 228.66 FEET ON THE WEST RIGHT OF WAY LINE OF SOUTHEAST 15TH STREET; THENCE SOUTH 89°56'14" EAST, 80.00 FEET TO THE EAST LINE OF SOUTHEAST 15TH STREET RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE NORTH 83°07'17" EAST, 536.46 FEET; THENCE 586.46 FEET ON A 4884.98 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD LENGTH OF 586.11 FEET AND BEARS NORTH 86°33'39" EAST; THENCE NORTH 90°00'00" EAST, 37.57 FEET TO THE EASTERLY LINE OF THE VACATED RAILROAD RIGHT OF WAY; THENCE 456.56 FEET ON A 984.83 FOOT RADIUS CURVE TO THE RIGHT WITH A CHORD LENGTH OF 452.48 FEET AND BEARS SOUTH 11°30'34" EAST ON SAID EASTERLY RIGHT OF WAY LINE TO THE NORTH LINE OF SCOTT STREET RIGHT OF WAY; THENCE NORTH 89°47'31" WEST, 736.56 FEET ON SAID NORTH RIGHT OF WAY LINE TO THE NORTHERLY LINE OF FORMER CHICAGO, BURLINGTON AND QUINCY RAILROAD; THENCE NORTH 69°38'46" WEST, 542.91 FEET ON SAID NORTHERLY LINE TO THE EAST LINE OF SOUTHEAST 15TH STREET RIGHT OF WAY; THENCE NORTH 00°03'46" EAST, 152.47 FEET ON SAID RIGHT OF WAY LINE TO THE POINT OF BEGINNING, CONTAINING 10.26 ACRES MORE OR LESS;

from the M-2 Heavy Industrial District classification to the PUD Planned Unit Development District classification; and,

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WHEREAS, on May 17, 2012 the Plan and Zoning Commission recommended by a vote of 11-0 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.

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 rezoning to the PUD Planned Unit Development District classification and the PUD Conceptual Plan for the Property described above, which is on file in the Community Development Department, are hereby approved, subject to the plan being first amended to satisfy the conditions set forth in the attached letter from the Planning Administrator, and subject to the Community Development Director finding that such conditions have been satisfied by the amendments to the plan.

MOVED by Meyer to adopt and approve the rezoning to the PUD District classification and Conceptual Plan, subject to final passage of the rezoning ordinance.

FORM APPROVED:

(Council Communication No. 12.326)

Michael F. Kelley  
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.

Diane Rauh City Clerk