

Date November 19, 2012

WHEREAS, on October 8, 2012 by Roll Call No. 12-1562, the City Council duly resolved that a public hearing be held on October 22, 2012 at 5:00 p.m., in Council Chambers at City Hall, to consider a proposal from Luther Park Health Center, Inc. to amend the approved Luther Park PUD Planned Unit Development Conceptual Plan for property located in the vicinity of 2906 East 16th Street, to allow construction of a one-story addition for 10 memory care residential units to the west side of The Gardens assisted living facility along Hull Avenue, subject to administrative review of the final PUD Conceptual Plan documents; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 11, 2012, as provided by law, setting forth the time and place for hearing on the proposed amendment to the approved PUD Conceptual Plan; and

WHEREAS, applicant Luther Park Health Center, Inc. submitted a request that the public hearing set for October 22, 2012 be continued to the November 19, 2012 regular City Council meeting; and

WHEREAS, ON October 22, 2012 by Roll Call No. 12-1649, the City Council duly resolved to continue the public hearing until November 19, 2012 at 5:00 p.m. in Council Chambers at City Hall, 400 Robert D. Ray Drive in Des Moines; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed amendment to the approved PUD Conceptual Plan be approved, subject to the Conceptual Plan being first amended to include the conditions set forth below and as set forth in the attached letter from the Planning Administrator; and

WHEREAS, in accordance with the published notice those interested in said proposed amendment to the approved PUD Conceptual Plan, 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 said proposed amendments to the approved PUD Conceptual Plan for the property in the vicinity of 2906 East 16th Street, and more specifically described below, are hereby overruled and the hearing is closed:

A TRACT OF LAND IN THE SOUTHWEST 1/4 OF SECTION 25, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., FURTHER DESCRIBED AS:

Date November 19, 2012

-2-

LOTS 1 THROUGH 6, AMOS PLACE, AN OFFICIAL PLAT; AND THE NORTH 635.0 FEET OF LOT 1, PARTITION PLAT OF NORTHEAST 1/4 OF SOUTHWEST 1/4 OF SAID SECTION 25; AND THE EAST 50.0 FEET OF THE SOUTH 150.0 FEET OF THE NORTH 175.0 FEET OF LOT 11, OF SAID PARTITION PLAT, AND LOTS 1 THROUGH 15, MECHANIC ADDITION, AN OFFICIAL PLAT; AND THE 8.5 FOOT VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING WEST OF AND ADJOINING OF SAID LOT 1 THROUGH 15, (EXCEPT THE WEST 1/2 OF VACATED ALLEY LYING WEST OF THE SOUTH 13.39 FEET OF SAID LOT 13, AND THE WEST 1/2 OF VACATED ALLEY LYING WEST OF SAID LOT 14 & 15,) AND LOTS 5,6 AND 7, LINDQUIST PLACE REPLAT, AN OFFICIAL PLAT, AND THE 8.0 FOOT VACATED NORTH/SOUTH ALLEY RIGHT-OF-WAY LYING EAST OF AND ADJOINING SAID LOTS 5,6, AND 7, AND A TRIANGULAR PIECE BEGINNING AT THE SW CORNER OF LOT 4, LINDQUIST PLACE REPLAT; THENCE EAST 27.0 FEET ALONG SAID LOT LINE; THENCE NORTHWESTERLY TO A POINT 1.5 FEET NORTH OF SAID CORNER; THENCE SOUTH 1.5 FEET TO THE POINT OF BEGINNING, AND THE 50.0 FOOT RIGHT-OF-WAY LYING WEST OF AND ADJOINING SAID LOTS 5,6,& 7, AND ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The proposed amended PUD Conceptual Plan is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan, subject to the conditions identified below.

3. The amended 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 to satisfy the following conditions recommended by the Plan and Zoning Commission, and subject to approval of such amendments by the Community Development Director:

- a. The PUD Conceptual Plan shall be revised to show the proposed plantings and landscaping requirements as applicable to R-3 Districts for the reconfigured off-street parking and the perimeter area along Hull Avenue.
- b. Revise the architectural elevations to provide for stone material at the lower edge of the entire north and west facades at the foundation of the proposed addition.

FORM APPROVED:

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

Moved by *Mahaffey* to adopt and to approve the amended PUD Conceptual Plan.

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

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
T. M. Franklin, Mayor

Diane Rauh
Diane Rauh, City Clerk