

★ Roll Call Number

15-0068

Agenda Item Number

48

Date January 12, 2015

RESOLUTION HOLDING HEARING ON PROPOSED AMENDMENTS TO THE ZONING ORDINANCE REGARDING REMEDIAL MEASURES RELATING TO PUD AND PBP DEVELOPMENT PLANS

WHEREAS, on December 22, 2014, by Roll Call No. 14-1933, the City Council received a communication from the City Plan and Zoning Commission stating that its members voted 11-0 in support of a motion to recommend APPROVAL of proposed amendments to Section 134-708 and Section 134-741(15) of the Zoning Ordinance of the Des Moines Municipal Code to clarify remedial measures in response to failure to submit a PUD or PBP Development Plan or to commence construction in accordance with a time schedule set forth in a PUD or PBP Development Plan, as proposed by City staff; and

WHEREAS, said amendments are proposed in order to more accurately reflect the City's historical and current practices for administration of PUD and PBP Development Plans in the Zoning Ordinance; and

WHEREAS, on December 22, 2014, by Roll Call No. 14-1933, it was duly resolved by the City Council that the proposed amendments to Section 134-708 and Section 134-741(15) be set down for public hearing on January 12, 2015, at 5:00 p.m. in the City Council Chambers at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, as provided by law, setting forth the time and place for hearing on said proposed amendments to the Zoning Ordinance; and

WHEREAS, in accordance with the notice, those interested in the proposed amendments, 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, that upon consideration of the facts, statements of interested persons and arguments of counsel, any and all objections to said proposed amendments to the Zoning Ordinance be and the same are hereby overruled, and the hearing closed.

MOVED by Hensley to continue the hearing to January 26, 2015 at 5:00 pm and request that the City Manager and City Attorney provide information regarding prior PUD and PBP plan approvals that could need to be reviewed by the Plan and Zoning Commission and City FORM APPROVED: Council based upon existing code and reasoning for proposed changes.

Glenna K. Frank Assistant City Attorney

10-2014-5.05

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and 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.

Y. M. Franklin Council Mayor

Diane Rauh City Clerk