

★ Roll Call Number

15-1189

Agenda Item Number

55B

Date July 13, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM BROADLAWNS MEDICAL CENTER TO REZONE PROPERTY LOCATED AT 1801 HICKMAN ROAD FROM "C-0" COMMERCIAL RESIDENTIAL DISTRICT, "R-3" MULTIPLE FAMILY RESIDENTIAL DISTRICT, AND "FW" FLOODWAY DISTRICT TO "PUD" PLANNED UNIT DEVELOPMENT DISTRICT

WHEREAS, on May 4, 2015, by Roll Call No. 15-0738, the City Council received and filed a communication from the City Plan and Zoning Commission advising that at a public hearing held on April 16, 2015, its members voted 8-0-1 in support of a motion to recommend **APPROVAL** of a request from the Board of Trustees of Broadlawns Medical Center (owner), represented by Jody Jenner (officer), to rezone property locally known as 1801 Hickman Road ("Property") from "C-0" Commercial Residential District, "R-3" Multiple Family Residential District, and "FW" Floodway District to "PUD" Planned Unit Development District to allow construction of a 20,000 square-foot medical clinic and two (2) 15-unit, 3-story multiple-family dwellings for on-campus housing for physicians in residency, and to recommend approval of the proposed "PUD" Conceptual Plan, on file with the Community Development Department, with revisions as set forth in the Commission's recommendation; and

WHEREAS, on May 4, 2015, by Roll Call No. 15-0738, it was duly resolved by the City Council that the application of the Board of Trustees of Broadlawns Medical Center (owner) to rezone the Property, as legally described below, be set down for hearing on June 8, 2015 at 5:00 p.m. in the 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 amendment to the Zoning Ordinance; and

WHEREAS, on June 8, 2015, by Roll Call No. 15-0963, the City Council opened and continued the public hearing regarding the proposed rezoning to July 13, 2015 at 5:00 p.m. in the Council Chambers at City Hall; and

WHEREAS, in accordance with the notice given, those interested in said 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; and

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 1801 Hickman Road, legally described as:

THAT PART OF THE NORTH 650.00 FEET OF THE SOUTH 700.00 FEET OF LOTS 13 AND 14 IN THE OFFICIAL PLAT OF GOVERNMENT LOTS 4 AND 5 IN SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA; AND A PORTION OF LOT 17, AND EXCEPT THE SOUTH 50.00 FEET, LOTS 18 AND 19 ALL IN THE OFFICIAL PLAT OF THE EAST 1/2 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, AND GOVERNMENT LOTS 3, 4, 5 AND 6 IN SECTION 28, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA; ALL OF WHICH IS MORE ACCURATELY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, SAID POINT BEING THE SOUTHWEST CORNER OF LOT 14 IN THE OFFICIAL PLAT OF GOVERNMENT LOTS 4 AND 5 IN SECTION 27, TOWNSHIP 79 NORTH, RANGE 24 WEST, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SECTION 28, TOWNSHIP 79 NORTH, RANGE 24 WEST OF THE 5TH P.M., DES MOINES, POLK COUNTY, IOWA, SAID POINT BEING THE SOUTHEAST CORNER OF LOT 18 IN THE OFFICIAL PLAT OF THE EAST 1/2 OF THE NORTHWEST 1/4 AND THE

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SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND GOVERNMENT LOTS 3, 4.5 AND 6 IN SECTION 28, TOWNSHIP 79 NORTH, RANGE 24 WEST; THENCE NORTH 01°00'42" WEST ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 27, SAID LINE BEING THE WEST LINE OF SAID LOT 14, SAID LINE ALSO BEING THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 28, SAID LINE BEING THE EAST LINE OF SAID LOT 18, 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF HICKMAN ROAD. AS IT IS PRESENTLY ESTABLISHED, AND TO THE POINT OF BEGINNING; THENCE NORTH 89°47'17" WEST ALONG THE NORTH RIGHT-OF-WAY LINE OF SAID HICKMAN ROAD, PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 28, SAID LINE BEING PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF LOTS 18 AND 19, ALL IN SAID OFFICIAL PLAT OF THE EAST 1/2 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND GOVERNMENT LOTS 3, 4, 5, AND 6 IN SECTION 28, TOWNSHIP 79 NORTH, RANGE 24 WEST, A DISTANCE OF 571.97 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 19.82 FEET; THENCE NORTH 17°56'16" EAST, A DISTANCE OF 162.19 FEET; THENCE NORTH 00°00'00" EAST, A DISTANCE OF 170.90 FEET; THENCE NORTH 20'17'17" EAST, 118.19 FEET; THENCE SOUTH 77°10'14" EAST, 111.36 FEET; THENCE NORTH 27°26'02" EAST, A DISTANCE OF 121.43 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 1046.04 FEET TO A POINT ON THE EAST LINE OF SAID LOT 13; THENCE SOUTH 01°00'55" EAST ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 545.08 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID HICKMAN ROAD, SAID POINT BEING 50.00 FEET NORTH OF THE SOUTHEAST CORNER OF SAID LOT 13, SAID POINT ALSO BEING 50.00 FEET NORTH OF THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 27; THENCE NORTH 89°41'37" WEST, PARALLEL WITH AND 50.00 FEET NORTH OF THE SOUTH LINE OF SAID LOTS 13 AND 14, SAID LINE ALSO BEING THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 27, A DISTANCE OF 739.20 FEET TO THE POINT OF BEGINNING.

SAID TRACT OF LAND BEING SUBJECT TO AND TOGETHER WITH ANY AND ALL EASEMENTS OF RECORD.

SAID TRACT OF LAND CONTAINS 15.301 ACRES MORE OR LESS.

from "C-0" Commercial Residential District, "R-3" Multiple Family Residential District, and "FW" Floodway District to "PUD" Planned Unit Development District to allow construction of a 20,000 square-foot medical clinic and two (2) 15-unit, 3-story multiple-family dwellings for on-campus housing for physicians in residency, subject to the conditions included in the proposed PUD Conceptual Plan, on file with the Community Development Department, with revisions as set forth in the Commission's recommendation.

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 rezoning of the Property from "C-0" Commercial Residential District, "R-3" Multiple Family Residential District, and "FW" Floodway District to "PUD" Planned Unit Development District and to the "PUD" Conceptual Plan are hereby overruled and the hearing is closed.
2. The proposed "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.

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- 3. The proposed rezoning of the Property to "PUD" Planned Unit Development District is hereby approved, and the "PUD" Conceptual Plan for the Property as on file in the Community Development Department is hereby approved, subject to the Conceptual Plan being first amended to satisfy the revisions identified in the communication from the Plan and Zoning Commission received by the City Council by Roll Call No. 15-0738, and subject to the Community Development Director finding that such revisions have been satisfied by the amendments to the Plan.

MOVED BY Gray to adopt and approve the rezoning and Conceptual Plan, subject to final passage of the rezoning ordinance. and to refer to the City Manager for review and recommendation regarding the intersection of Martin Luther King Jr., Parkway and Hickman Road.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2015-00043)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
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