

★ Roll Call Number

15-1242

Agenda Item Number

18

Date July 27, 2015

**RESOLUTION SETTING HEARING ON REQUEST FROM
LUTHER CARE SERVICES TO REZONE PROPERTY LOCATED AT 1546 HULL AVENUE AND
AMEND THE LUTHER PARK PUD CONCEPTUAL PLAN**

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on July 16, 2015, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Luther Care Services (owner), represented by Nick Miller, to rezone property located at 1546 Hull Avenue from "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development District, and to amend the Luther Park PUD Conceptual Plan to include 1546 Hull Avenue and allow conversion of the former Polk County youth shelter facility to an adult daycare center; and

WHEREAS, the real property located at 1546 Hull Avenue, which is proposed to be rezoned, is legally described as follows:

THE PLAT OF SURVEY, PART OF LOT 4 OF THE OFFICIAL PLAT OF THE S1/2 - N1/4 OF SECTION 25-79-24 RECORDED IN BOOK 15224, PAGE 631-632; AND THE 50.0 FOOT RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING SAID PLAT OF SURVEY; AND ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; and

WHEREAS, the real property included in the Luther Park PUD Conceptual Plan, which is proposed to be amended, is legally described as follows:

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:

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 THE PLAT OF SURVEY, PART OF LOT 4 OF THE OFFICIAL PLAT OF THE S1/2 - N1/4 OF SECTION 25-79-24 RECORDED IN BOOK 15224, PAGE 631-632; AND THE 50.0 FOOT RIGHT-OF-WAY LYING SOUTH OF AND ADJOINING SAID PLAT OF SURVEY; AND ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

1. That the attached communication from the Plan and Zoning Commission is hereby received and filed.

(continued)

★ Roll Call Number

Agenda Item Number

15-1242

18

Date July 13, 2015

-2-

2. That the meeting of the City Council at which the proposed rezoning and the proposed amendment to the Luther Park PUD Conceptual Plan are to be considered shall be held in the Council Chambers, City Hall, Des Moines, Iowa, at 5:00 p.m. on August 10, 2015, at which time the City Council will hear both those who oppose and those who favor the proposals.
3. That the City Clerk is hereby authorized and directed to cause notice of said proposals in the accompanying form to be given by publication once, not less than seven (7) days and not more than twenty (20) days before the date of hearing, all as specified in Section 362.3 and Section 414.4 of the Iowa Code.

MOVED BY Gatto TO ADOPT.

FORM APPROVED:

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

(ZON2015-00122)

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