



Roll Call Number

15-1428

Agenda Item Number

25

Date August 24, 2015

RESOLUTION SETTING HEARING ON REQUEST FROM ROBERT J. ELLIS AND REBECCA ORR TO APPROVE PUD CONCEPTUAL PLAN AND TO REZONE PROPERTY LOCATED AT 4111, 4117 AND 4121 MCKINLEY AVENUE

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 6, 2015, its members voted 10-0-1 in support of a motion to recommend **DENIAL** of a request from Robert J. Ellis and Rebecca Orr (owners) to rezone real property locally known as 4111, 4117 and 4121 McKinley Avenue ("Property") from "R1-80" One-Family Residential District to "PUD" Planned Unit Development District to allow development of the site with 12 dwelling units with 6 single-family semi-detached dwellings, and of a request for approval of a PUD Conceptual Plan related thereto; and

WHEREAS, the Property is legally described as follows:

PARCEL C OF LOT 11, SERENDIPITY PLAT 4, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN ON PLAT OF SURVEY FILED MAY 15, 2000, RECORDED IN BOOK 8494, PAGE 685 OF THE POLK COUNTY RECORDER'S OFFICE, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES IOWA BY COURT OFFICER DEED FILED IN BOOK 9338, PAGE 48 AND BY QUIT CLAIM DEED FILED IN BOOK 9338, PAGE 59 OF THE POLK COUNTY RECORDER'S OFFICE AND ALSO EXCEPT PARCEL D OF LOT 11, SERENDIPITY PLAT 4 AS REFLECTED IN A PLAT OF SURVEY FILED SEPT. 6, 2006 IN BOOK 11837, PAGE 885 OF THE POLK COUNTY RECORDER'S OFFICE.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD.

AND

PARCEL B OF LOT 11, SERENDIPITY PLAT 4, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN ON PLAT OF SURVEY FILED MAY 15, 2000, RECORDED IN BOOK 8494, PAGE 685 OF THE POLK COUNTY RECORDER'S OFFICE, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES IOWA BY COURT OFFICER DEED FILED IN BOOK 9338, PAGE 48 AND BY QUIT CLAIM DEED FILED IN BOOK 9338, PAGE 59 OF THE POLK COUNTY RECORDER'S OFFICE.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD.

AND

PARCEL A OF LOT 11, SERENDIPITY PLAT 4, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SHOWN ON PLAT OF SURVEY FILED MAY 15, 2000, RECORDED IN BOOK 8494, PAGE 685 OF THE POLK COUNTY RECORDER'S OFFICE, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES IOWA BY COURT OFFICER DEED FILED IN BOOK 9338, PAGE 48 AND BY QUIT CLAIM DEED FILED IN BOOK 9338, PAGE 59 OF THE POLK COUNTY RECORDER'S OFFICE.

SUBJECT TO ALL COVENANTS, RESTRICTIONS AND EASEMENTS OF RECORD.

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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.
2. That the meeting of the City Council at which the proposed rezoning and 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 September 14, 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 Hensley to adopt.

FORM APPROVED:

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

(ZON2015-00120)

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

Diane Rauh

City Clerk

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor