

★ Roll Call Number

16-1402

Agenda Item Number

25

Date August 22, 2016

**RESOLUTION SETTING HEARING ON REQUEST FROM ROERS INVESTMENTS, LLC TO REZONE PROPERTY LOCATED AT 2301 INGERSOLL AVENUE**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2016, its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Roers Investments, LLC (developer), represented by Brian Roers (officer), to rezone property locally known as 2301 Ingersoll Avenue ("Property") from "NPC" Neighborhood Pedestrian Commercial District to "PUD" Planned Unit Development to allow mixed-use development of up to 162 multiple-family residential units and 10,000 square feet of first story retail/office area within a 4-story building fronting the entire block with minimal setback from Ingersoll Avenue, and a development of 30 multiple-family residential units within a 3-story apartment building fronting the entire north end of the block with minimal setback from High Street, and to approve the 2301 Ingersoll PUD Conceptual Plan subject to revisions to said Plan to be set forth in the communication from the Plan and Zoning Commission, which will be submitted to City Council at the time of the public hearing; and

**WHEREAS**, the Property to be rezoned is legally described as follows:

ALL OF THE FOLLOWING REAL PROPERTY SITUATED IN THE CITY OF DES MOINES, POLK COUNTY, IOWA, TO WIT:

ALL THAT PART OF LOT TWENTY-ONE (21) IN BLOCK "C" IN WOODLAND PARK, LYING NORTH OF LOTS ONE (1), TWO (2), THREE (3), AND FOUR (4) IN OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTYFOUR (24), WEST OF THE 5TH P.M., BEING A STRIP FIVE (5) FEET NORTH AND SOUTH, EXCEPT THE WEST THIRTY-THREE (33) FEET OF LOT TWENTY-ONE(21) IN BLOCK "C", WOODLAND PARK LYING WITHIN 24TH STREET, ALSO THE NORTH 54.68 FEET OF LOT FOUR (4) OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

THE SOUTH 14 (S 14) FEET OF LOT SIX (6), ALL OF LOT SEVEN (7), AND THE NORTH FORTY-SIX (N 46) FEET OF LOT EIGHT (8) IN BLOCK "C" IN WOODLAND PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

THE SOUTH FOURTEEN (S 14) FEET OF LOT EIGHT (8) AND ALL OF LOTS NINE (9), TEN (10), ELEVEN (11), TWELVE (12), THIRTEEN (13), AND VACATED PORTION OF LINDEN STREET BETWEEN WEST LINE OF 23RD STREET AND EAST LINE OF 24TH STREET, AND VACATED ALLEYWAY RUNNING NORTH AND SOUTH FROM SOUTH SIDE OF HIGH STREET TO NORTH SIDE OF LINDEN STREET BETWEEN 23RD AND 24TH STREET, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA SUBJECT TO WARRANTY DEED RECORDED IN BOOK 5280, PAGE 564; AND

LOT FOURTEEN (14) AND SOUTH FOURTEEN (S 14) FEET OF LOT FIFTEEN (15) IN BLOCK "C" IN WOODLAND PARK, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA SUBJECT TO WARRANTY DEED RECORDED IN BOOK 5280, PAGE 564; AND

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LOT ONE (1) (EXCEPT WEST THIRTY-THREE (W 33) FEET, IN OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, SUBJECT TO WARRANTY DEED RECORDED IN BOOK 5280, PAGE 564; AND

LOT TWO (2) OF OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

LOT THREE (3) OF OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA; AND

THE SOUTH 85.32 FEET OF LOT FOUR (4) OF OFFICIAL PLAT OF LOT THIRTEEN (13) OF OFFICIAL PLAT OF SOUTHWEST QUARTER (SW1/4) OF SECTION FIVE (5), TOWNSHIP SEVENTY-EIGHT (78), RANGE TWENTY-FOUR (24), WEST OF THE 5TH P.M., NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA,

EXCEPT, ANY PORTION OF THE ABOVE DESCRIBED PROPERTY INCLUDED IN THAT LAND CONVEYED TO THE CITY OF DES MOINES, IOWA, BY JOHN E. SPENCE, SR. AND HELEN SPENCE, HUSBAND AND WIFE, BY WARRANTY DEED DATED JULY 30, 1983, FILED AUGUST 25, 1983, AND RECORDED IN BOOK 5280, PAGE 564 REFERENCE TO WHICH DEED IS HERE MADE FOR ALL PURPOSES.

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

1. That the meeting of the City Council at which the proposed rezoning and PUD Conceptual Plan are to be considered shall be held at the Richard A. Clark Municipal Service Center (MSC), located at 1551 E. Martin Luther King, Jr. Parkway, Des Moines, Iowa, at 5:00 p.m. on September 12, 2016, at which time the City Council will hear both those who oppose and those who favor the proposal.
2. That the City Clerk is hereby authorized and directed to cause notice of said proposal 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.

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MOVED BY Moore TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2016-00119)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY				✓
MOORE	✓			
WESTERGAARD	✓			
TOTAL	6			1

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