



Roll Call Number

16-1514

Agenda Item Number

37

Date September 12, 2016

RESOLUTION SETTING HEARING ON REQUEST FROM MERCY PROPERTIES, INC. TO REZONE PROPERTY LOCATED AT 500 LAUREL STREET, 1040 5TH AVENUE AND 1055 6TH AVENUE, AND TO AMEND THE MERCY MEDICAL CENTER PUD CONCEPTUAL PLAN

WHEREAS, the City Plan and Zoning Commission has advised that at a public hearing held on August 18, 2016, its members voted 9-0-1 in support of a motion to recommend APPROVAL of a request from Mercy Properties, Inc. (owner), represented by Sandy Swanson (officer), to rezone property located at 500 Laurel Street, 1040 5th Avenue, and 1055 6th Avenue (collectively "Rezoned Property") from "C-2" General Retail and Highway Oriented Commercial District to "PUD" Planned Unit Development District, and to approve the 4th Amendment to the Mercy Medical Center PUD Conceptual Plan to include the Rezoned Property and property located at 1121 and 1131 3rd Street, 411 Laurel Street, and 1111 6th Avenue (collectively "PUD Conceptual Plan Property"), expanding the PUD area by 2.3 acres and allowing for demolition of the existing Mercy Apartments for development of a new parking structure and additional surface parking; demolition of the Mercy Office Plaza building for development of a parking structure; and demolition of the existing east parking structure for development of an 11-story hospital tower with 2 levels of subsurface parking, subject to revisions to the PUD Conceptual Plan as set forth in the Plan and Zoning Commission recommendation; and

WHEREAS, the Rezoned Property is legally described as follows:

Rezoning Area Description (1040 5th Avenue, 1055 6th Avenue, and 500 Laurel Street)

LOTS 1 THROUGH 3 BLOCK "D", RIVER HILLS PLAT 1 BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA EXCEPT WARRANTY DEEDS BOOK 16099, PAGE 855 AND BOOK 16099, PAGE 850 AS FILED IN THE POLK COUNTY RECORDER'S OFFICE; and

WHEREAS, the PUD Conceptual Plan Property is legally described as follows:

New Overall PUD Area Description (1121 & 1131 3rd Street, 411 & 500 Laurel Street, 1040 5th Avenue and 1055 & 1111 6th Avenue.)

LOTS 1 THROUGH 5 IN BLOCK "A", LOTS 1 AND 2 IN BLOCK "B", AND LOTS 1 THROUGH 3 BLOCK "D" AND STREET LOT "I" AND "K", ALL IN RIVER HILLS PLAT 1 BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA EXCEPT WARRANTY DEEDS BOOK 16099, PAGE 855 AND BOOK 16099, PAGE 850 AS FILED IN THE POLK COUNTY RECORDER'S OFFICE.

AND

A PART OF UNIVERSITY COURT RECORDED IN QUIT CLAIM DEED BOOK 6060 PAGE 198 AND A PART OF LOTS 47 AND 92 AND A PART OF AN ALLEY BETWEEN LOTS 47 AND 92 RECORDED IN WARRANTY DEED BOOK 6088 PAGE 01, ALL IN GRAND PARK BEING AN OFFICIAL PLAT IN THE CITY OF DES MOINES, POLK COUNTY, IOWA AND DESCRIBED AS FOLLOWS.



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BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1, BLOCK "A" OF RIVER HILLS PLAT 1; THENCE NORTH 0°00'39" WEST, 90.49 FEET; THENCE NORTH 0°31'15" EAST, 64.31 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE SOUTHEASTERLY WHOSE RADIUS IS 17.50 FEET, WHOSE ARC LENGTH IS 31.87 FEET AND WHOSE CORD BEARS NORTH 52°40'17" EAST, 27.64 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE SOUTHWESTERLY WHOSE RADIUS IS 455.00 FEET, WHOSE ARC LENGTH IS 78.97 FEET AND WHOSE CORD BEARS SOUTH 70°11'37" EAST, 78.87 FEET; THENCE SOUTH 65°13'11" EAST, 239.35 FEET; THENCE SOUTHEASTERLY ALONG A CURVE CONCAVE NORTHEASTERLY WHOSE RADIUS IS 512.50 FEET, WHOSE ARC LENGTH IS 214.67 FEET AND WHOSE CORD BEARS SOUTH 77°13'06" EAST, 213.11 FEET; THENCE SOUTH 0°00'39" EAST, 4.44 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1; THENCE NORTH 89°13'25" WEST ALONG SAID NORTH LINE, 521.94 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.94 AC (40,780 S.F.).

AND

(BOOK 11415 PAGE 563-564)

THE NORTH 54.9 FEET OF LOT 1, BLOCK 4, EXCEPT THE EAST 11.92 FEET AT THE NORTH LINE AND THE EAST 11.662 FEET ON THE SOUTH LINE THEREOF, WALNUT HILLS ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA LOCALLY KNOWN AS 1122-6TH AVENUE, DES MOINES, IOWA.

AND

(BOOK 10674 PAGE 961-962)

LOT 19 IN THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL QUARTER (NE FRL 1/4) OF THE NORTHWEST FRACTIONAL QUARTER (NW FRL 1/4) OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M.; (EXCEPT THE FOLLOWING PIECE WHICH HAS BEEN DEEDED FOR STREET PURPOSES; BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 19, THENCE WEST 12.19 FEET, THENCE IN A NORTHERLY DIRECTION 50.01 FEET TO THE NORTH LINE OF SAID LOT, THENCE EAST 12.46 FEET TO THE NORTHEAST CORNER OF SAID LOT, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT, 50.01 FEET TO THE SOUTHEAST CORNER OF SAID LOT TO PLACE OF BEGINNING) ALL INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND LOCALLY KNOWN AS 1130-6TH AVENUE, DES MOINES, IOWA.

AND

THE WEST 111.54 FEET OF LOT 18 OF THE OFFICIAL PLAT OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24, WEST OF THE 5TH P.M.; EXCEPT A TRIANGULAR PORTION OF SAID LOT WHICH LIES WITHIN THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 18; THENCE EASTERLY, ALONG THE NORTH LINE OF SAID LOT 18, A DISTANCE OF 60 FEET; THENCE SOUTHWESTERLY ALONG A STRAIGHT LINE, TO A POINT ON THE WEST LINE OF SAID LOT 18, SAID POINT BEING 15 FEET NORTH OF THE SOUTHWEST CORNER



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HEREOF; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID LOT 18, TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA; EXCEPT LEGALLY ESTABLISHED ROAD AND HIGHWAYS AND LOCALLY KNOWN AS 1134-6TH AVENUE, DES MOINES, IOWA.

AND

THE SOUTH 6 INCHES OF LOT 1 (EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES, AND LOT 2 (EXCEPT THE FOLLOWING: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 2; THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE WEST ALONG THE SOUTH LINE OF LOT 2, A DISTANCE OF 11.37 FEET; THENCE IN A NORTHERLY DIRECTION 60 FEET TO A POINT ON THE NORTH LINE OF LOT 2; THENCE EAST 11.66 FEET TO THE POINT OF BEGINNING), AND THE WEST 112.63 FEET OF THE NORTH HALF OF LOT 3, ALL IN BLOCK 4 IN WALNUT HILL ADDITION TO FORT DES MOINES, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AND LOCALLY KNOWN AS 1108, 1112 & 1116-6TH AVENUE, DES MOINES, IOWA.

AND

THE SOUTH 1/2 OF LOT 3, IN BLOCK 4 IN WALNUT HILL ADDITION, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA, (EXCEPT THE FOLLOWING: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 3, THENCE RUNNING WEST 11.09 FEET, THENCE RUNNING IN A NORTHERLY DIRECTION A DISTANCE OF 30 FEET, THENCE EAST ON A LINE PARALLEL TO THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 11.23 FEET TO THE EAST LINE OF SAID LOT 3, THENCE SOUTHERLY ALONG THE EAST LINE OF SAID LOT 3, A DISTANCE OF 30 FEET, TO THE POINT OF BEGINNING AND LOCALLY KNOWN AS 1106-6TH AVENUE, DES MOINES, IOWA.

AND

(BOOK 5908 PAGE 60)

LOT 20 IN THE OFFICIAL PLAT OF THE NE 1/4 OF THE NW 1/4 SECTION 4, TOWNSHIP 78 NORTH RANGE 24, WEST OF THE 5TH P.M., (EXCEPT A PART OF THE EAST END OF SAID LOT SOLD TO THE CITY OF DES MOINES DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 20, THENCE WEST ALONG THE SOUTH LINE 11.92 FEET, THENCE IN A NORTHERLY DIRECTION THROUGH SAID LOT 20 A DISTANCE OF APPROXIMATELY 50.1 FEET TO THE NORTH LINE OF SAID LOT, THENCE EAST ALONG THE NORTH LINE 12.19 FEET TO THE NORTHEAST CORNER OF SAID LOT, THENCE IN A SOUTHERLY DIRECTION ALONG THE EAST LINE OF SAID LOT, 50.01 FEET TO THE SOUTHEAST CORNER THEREOF, THE PLACE OF BEGINNING) ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

AND

(BOOK 12696, PAGE 421)

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LOT 4 IN BLOCK 4 OF WALNUT HILL ADDITION, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, IOWA EXCEPT THAT PART CONVEYED TO THE CITY OF DES MOINES IN A DEED FILED IN BOOK 993, PAGE 330 ON NOVEMBER 5, 1926.

PROPERTY SUBJECT TO ANY AND ALL EASEMENTS OF RECORD.

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 the proposed 4th Amendment to the Mercy Properties, Inc. 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 26, 2016, 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

(ZON2016-00139)

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