



**Roll Call Number**

**Agenda Item Number**

16-1768

61

**Date** October 10, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM  
4000 INGERSOLL PARK HOUSES, L.P. TO REZONE PROPERTY LOCATED AT  
550 AND 536 40<sup>TH</sup> STREET, AND TO AMEND THE  
PLYMOUTH CONGREGATIONAL CHURCH PUD CONCEPTUAL PLAN**

**WHEREAS**, the City Plan and Zoning Commission has advised that at a public hearing held on September 1, 2016, its members voted 8-0 in support of a motion to recommend **APPROVAL** of a request from 4000 Ingersoll Park Houses, L.P. (developer), represented by Frank Levy (officer), to rezone property located at 550 and 536 40<sup>th</sup> Street (collectively "Rezoned Property") from "R-3" Multiple-Family Residential District to "PUD" Planned Unit Development District, and to approve the 2nd Amendment to the Plymouth Congregational Church PUD Conceptual Plan to include the Rezoned Property and property located at 4016-4126 Ingersoll Avenue, 526-550 40<sup>th</sup> Street, and 527-535 41<sup>st</sup> Street (collectively "PUD Conceptual Plan Property"), expanding the PUD area by 18,283 square feet and allowing for demolition of single-family residences at 550 and 536 40<sup>th</sup> Street, for redevelopment with a three-story mixed use building with indoor parking and 2,284-square feet of office space on the ground floor and 24 dwelling units on the upper floors and the expansion of the existing 40<sup>th</sup> Street surface parking lot and renovation of 3 historic structures, subject to revisions to the PUD Conceptual Plan as set forth in the Plan and Zoning Commission recommendation attached hereto; and

**WHEREAS**, the Rezoned Property is legally described as follows:

*Rezoning Area Description (550 and 536 40th Street)*

EXCEPT THE WEST 66.3 FEET OF THE SOUTH 67.5 FEET NORTH 85 FEET LOT 9; THE NORTH 65 FEET SOUTH 515 FEET LOT 9; ALL IN GREENWOOD PARK; and

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

*New PUD Conceptual Plan Area Description (4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street)*

EXCEPT THE NORTH 17.5 FEET OF THE NORTH HALF OF LOTS 4, 5, AND 8; THE WEST 66.3 FEET OF THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF LOT 9; THE NORTH 150 FEET OF THE SOUTH 450 FEET OF LOT 9; ALL IN GREENWOOD PARK; AND THE VACATED STREET RIGHT OF WAY ADJACENT TO THE ABOVER DESCRIBED LAND;

AND

EXCEPT THE WEST 66.3 FEET OF THE SOUTH 67.5 FEET NORTH 85 FEET LOT 9; THE NORTH 65 FEET SOUTH 515 FEET LOT 9; ALL IN GREENWOOD PARK.

**WHEREAS**, on September 12, 2016, by Roll Call No. 16-1519, it was duly resolved by the City Council that the application from 4000 Ingersoll Park Houses, L.P. to rezone the Rezoned Property and to approve the 2nd Amendment to the Plymouth Congregational Church "PUD" Conceptual Plan for the PUD Conceptual Plan Property, be set down for hearing on October 10, 2016 at 5:00 P.M., in the Council Chamber at the Municipal Service Center; 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 amendments to the Zoning Ordinance and to the PUD Conceptual Plan; and



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WHEREAS, in accordance with said notice, those interested in said proposed rezoning and proposed amendment to the approved PUD Conceptual Plan, 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 Rezoned Property locally known as 550 and 536 40th Street and legally described above.

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, as revised, is hereby received and filed.
2. Upon due consideration of the facts, and any and all statements of interested persons and arguments of counsel, any objections to the proposed rezoning of the Rezoned Property to "PUD" Planned Unit Development District, and any objections to the proposed 2nd Amendment to the Plymouth Congregational Church "PUD" Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
3. The proposed rezoning of the Rezoned Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Rezoned Property as set forth herein.
4. The proposed 2nd Amendment to the Plymouth Congregational Church "PUD" Conceptual Plan, as on file in the Community Development Department, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Plan and is hereby approved, subject to the revisions identified in the communication from the Plan and Zoning Commission received by the City Council herein, and subject to the Community Development Director finding that such revisions have been satisfied by amendments to the Plan.

MOVED BY Hensley TO ADOPT, and ask the Developer to continue to work with the Neighborhood Association and staff to address concerns raised, and to clarify the PUD conditions.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2016-00153)

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MOORE, WESTERGAARD, and TOTAL.

MOTION CARRIED

APPROVED

Y. M. Franklin Council 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