



Roll Call Number

16-2033

Agenda Item Number

51B

Date November 21, 2016

**RESOLUTION HOLDING HEARING ON REQUEST FROM
GALWAY HOMES, INC. TO REZONE PROPERTY LOCATED AT
335 FOREST AVENUE AND 1427 ARLINGTON AVENUE**

WHEREAS, on November 7, 2016, by Roll Call No. 16-1898, the City Plan and Zoning Commission has advised that at a public hearing held on October 6, 2016, its members voted 12-0 in support of a motion to recommend **APPROVAL** of a request by Galway Homes, Inc. (owner), represented by James Postma (officer), to rezone property located at 335 Forest Avenue and 1427 Arlington Avenue (collectively "Property") from "R1-60" One-Family Low-Density Residential District to "PUD" Planned Unit Development, and to approve the viathree35 "PUD" Conceptual Plan allowing demolition of an existing one-story, 6-unit multiple-family dwelling and redevelopment with up to 24 units within six 3-story row townhomes served by a private drive accessing both Forest Avenue and Orchard Avenue, subject to the revisions to the PUD Conceptual Plan set forth in the Plan and Zoning Commission recommendation; and

WHEREAS, the Property to be rezoned and within the PUD Conceptual Plan is legally described as follows:

The West 303.18 feet of Lot 53 (Except the North 180 feet of the South 250 feet of the West 50 feet and Except the East 5 feet of the South 148.5 feet of the West 303.19 feet thereof), in the Official Plat of GOVERNMENT LOT 3 and the Southeast Quarter of Section 34, Township 79 North, Range 24 West of the 5th P.M., now included in and forming a part of the City of Des Moines, Polk County, Iowa

And

Lots 81 and 82 of BATES 2ND ADDITION, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa,

Containing 2.249 acres more or less.

WHEREAS, on November 7, 2016, by Roll Call No. 16-1898, it was duly resolved by the City Council that the application from Galway Homes, Inc. to rezone the Property and to approve the viathree35 "PUD" Conceptual Plan for the PUD Conceptual Plan Property, be set down for hearing on November 21, 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

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 Property locally known as 335 Forest Avenue and 1427 Arlington Avenue and legally described above.



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

1. 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 Property to "PUD" Planned Unit Development District, and any objections to the proposed viathree35 "PUD" Conceptual Plan with revisions as set forth in the Plan and Zoning Commission recommendation, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development District, is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The proposed viathree35 "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 Gray TO ADOPT.

FORM APPROVED:

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

(ZON2016-00179)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MOORE	✓			
WESTERGAARD	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. ...
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