



Roll Call Number

17-1783

Agenda Item Number

53

Date October 9, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM 4000 INGERSOLL PARK HOUSES, L.P. TO AMEND THE PLYMOUTH CONGREGATIONAL CHURCH PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED AT 4016-4126 INGERSOLL AVENUE, 526-550 40TH STREET, AND 527-535 41ST STREET

WHEREAS, on September 25, 2017, by Roll Call No. 17-1644, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on September 7, 2017, its members voted 11-0 in support of a motion to recommend APPROVAL of a request from 4000 Ingersoll Park Houses, L.P. (developer), represented by Frank Levy (officer), regarding property located at 4016-4126 Ingersoll Avenue, 526-550 40th Street, and 527-535 41st Street (collectively "Property"), to allow approval of a 4th Amendment to the Plymouth Congregational Church PUD Conceptual Plan to revise the exterior architectural design and materials of the approved 26-unit multi-family residential building, subject to the following revisions to the plan amendment:

- 1) Black vinyl windows shall be allowed on the first floor and shall be the same for the entire building to the satisfaction of the Planning Administrator.
2) Use of full dimensional brick.
3) Provision of a note that states "pervious paving materials shall be used for the patios."
4) Shared parking spaces shall be specifically identified on the PUD Conceptual Plan, and provision of a note that states "shared parking spaces identified on the PUD Conceptual Plan shall be specifically referenced by a shared parking agreement between Plymouth Congregational Church and 4000 Ingersoll Park Houses, L.P."
5) Provision of a note that states "a copy of the private covenants created for the use of the patios shall be provided for reference to the North of Grand Neighborhood Association President"; and

WHEREAS, on September 25, 2017, by Roll Call No. 17-1644, it was duly resolved by the City Council that the application of 4000 Ingersoll Park Houses, L.P. for review and approval of the proposed 4th Amendment to the Plymouth Congregational Church PUD Conceptual Plan for the Property, as legally described below, be set down for hearing on October 9, 2017, at 5:00 p.m. in the City Council Chambers at the Municipal Services 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 amendment to the approved Plymouth Congregational Church PUD Conceptual Plan; and

WHEREAS, in accordance with said notice, those interested in said proposed amendment to the approved Plymouth Congregational Church 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.

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 statements of interested persons and arguments of counsel, any and all objections to the proposed 4th Amendment to the Plymouth Congregational Church PUD Conceptual Plan for the Property, locally known as 4016-4126 Ingersoll Avenue, 526-550 40th Street and 527-535 41st Street and legally described as follows, are hereby overruled, and the hearing is closed:



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EXCEPT THE NORTH 17.5 FEET, THE NORTH HALF OF LOTS 4, 5, AND 8, GREENWOOD PARK, AN OFFICIAL PLAT; AND EXCEPT THE NORTH 17.5 FEET, ALL THAT PART OF THE VACATED 41ST STREET RIGHT OF WAY LYING EAST OF AND ADJOINING THE NORTH HALF OF SAID LOT 5; AND

THE WEST 66.3 FEET OF THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF LOT 9, IN SAID GREENWOOD PARK; AND

THE NORTH 150 FEET OF THE SOUTH 450 FEET OF SAID LOT 9; AND

EXCEPT THE WEST 66.3 FEET, THE SOUTH 67.5 FEET OF THE NORTH 85 FEET OF SAID LOT 9; AND

THE NORTH 65 FEET OF THE SOUTH 515 FEET OF SAID LOT 9;

ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA.

2. The proposed 4th 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 Land Use Plan and is hereby approved, subject to the revisions set forth above.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2017-00147)

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