



Roll Call Number

19-1875

Agenda Item Number

56

Date November 18, 2019

**RESOLUTION HOLDING HEARING ON REQUEST FROM DES MOINES AREA
COMMUNITY COLLEGE TO REZONE PROPERTY LOCATED AT 1031 AND 1039 9TH
STREET AND TO AMEND PUD CONCEPTUAL PLAN FOR PROPERTY LOCATED IN THE
VICINITY OF 1111 9TH STREET**

WHEREAS, on November 4, 2019, by Roll Call No. 19-1721, the City Council received a communication from the City’s Plan and Zoning Commission advising that at a public hearing held on October 17, 2019, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Des Moines Area Community College (DMACC)(owner), represented by Greg Martin (officer), to rezone property located at 1031 and 1039 9th Street (collectively “Property”) from “R-4” Multiple-Family Residential District to “PUD” Planned Unit Development, and to amend the Human Services Campus PUD Conceptual Plan for property in the vicinity of 1111 9th Street, to allow the Property to be included in the existing PUD and incorporated into the DMACC campus and used to extend an existing surface parking lot, subject to the following conditions on the Conceptual Plan:

1. Provision of a note that states: “landscaping shall be provided with any PUD Development Plan that meets or exceeds the City’s Landscaping Standards in place at the time of submittal.”
2. Provision of a note that states: “a sidewalk shall be provided along Day Street unless prohibited by the Iowa Department of Transportation.”; and

WHEREAS, the Property is legally described as follows:

THE NORTH 41.1 FEET OF LOT 24 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL ¼ OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA EXCEPT THAT PARCEL CONDEMNED BY THE CITY OF DES MOINES, IN CONDEMNATION PROCEEDINGS FILED IN BOOK 4651, PAGE 350 AND EXCEPT THAT PARCEL DEEDED TO THE CITY OF DES MOINES IN BOOK 9322, PAGE 172, POLK COUNTY, IOWA;

AND

LOT 71 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL ¼ OF THE NORTHWEST FRACTIONAL ¼ OF SECTION 4, TOWNSHIP 78 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, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES IN BOOK 4606 PAGE 454; AND

WHEREAS, if approved, the PUD Conceptual Plan as amended will be legally described as follows:

EXCEPT THE WEST 5.0 FEET FOR STREET OF THE SOUTH 12 FEET OF LOT 19 AND LOTS 13, 14, 15, 16, 17, AND 18; THE SOUTH 12.0 FEET OF LOT 6 AND ALL OF LOTS 7, 8, 9, 10, 11, AND 12 IN RUSSELL AND HARLAN'S ADDITION, AND OFFICIAL PLAT, AND THAT PART OF LOTS 22 AND 23 NORTH OF THE NORTH RIGHT-OF-WAY LINE OF DAY STREET, OF OFFICIAL PLAT OF THE NORTHEAST 1/4 OF NORTHWEST 1/4 SECTION 4, TOWNSHIP 78 NORTH RANGE 24 WEST OF THE 5TH P.M. AND THE VACATED ALLEY, VACATED BY ORDINANCE 10,458, APRIL



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8, 1984, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M. KLAPP, #4821, REGISTERED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF IOWA AND SHOWN ON ATTACHED PLAT OF SURVEY.

AND

THAT PART OF VACATED 8TH STREET RIGHT-OF-WAY LYING SOUTH OF THE WESTERLY EXTENSION OF THE NORTH LINE OF LOT 3, BLOCK 6, WALNUT HILL ADDITION, AND OFFICIAL PLAT, AND NORTH OF THE NORTH RIGHT-OF-WAY LINE OF DAY STREET EXCEPT THAT PART VACATED UNDER ORDINANCE 4862 DESCRIPED AS: BEGINNING AT A POINT 5.5 FEET WEST OF THE NORTHWEST CORNER OF SAID LOT 3; THENCE SOUTH 0°(DEGREES) 21' (MINUTES) 41" (SECONDS) WEST, 180.0 FEET; THENCE SOUTH 88°02'45" EAST, 5.5 FEET TO THE NORTHWEST CORNER OF LOT 6, OF SAID BLOCK 6' THEN SOUTH 0°21'41" WEST, 40.0 FEET TO THE NORTH RIGHT-OF-WAY LINE OF DAY STEET; THENCE NORTH 86°03'19" WEST, 65.87 FEET, ALONG THE NORTH RIGHT-OF-WAY LINE OF DAY STREET, TO THE WEST RIGHT-OF-WAY LINE OF 8TH STREET, THENCE NORTH 0°22'30" EAST 217.71 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF 8TH STREET; THENCE SOUTH 88°02'45" EAST, 60.21 FEET TO THE POINT OF BEGINNING, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA, AS SURVEYED AND MONUMENTED IN THE FIELD BY MICHAEL M KLAPP, #4821, REGISTERED LAND SURVEYOR, UNDER THE LAWS OF THE STATE OF IOWA AND SHOWN ON ATTACHED PLAT SURVEY.

AND

THE NORTH 41.1 FEET OF LOT 24 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWNSHIP 78 NORTH, RANGE 24 WEST OF THE 5TH P.M., POLK COUNTY, IOWA EXCEPT THAT PARCEL CONDOMNED BY THE CITY OF DES MOINES, IN CONDEMNATION PROCEEDINGS FILED IN BOOK 4651, PAGE 350 AND EXCEPT THAT PARCEL DEEDED TO THE CITY OF DES MOINES IN BOOK 9322, PAGE 172, POLK COUNTY, IOWA

AND

LOT 71 OF THE OFFICIAL PLAT OF THE NORTHEAST FRACTIONAL 1/4 OF THE NORTHWEST FRACTIONAL 1/4 OF SECTION 4, TOWNSHIP 78 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, EXCEPT THAT PART DEEDED TO THE CITY OF DES MOINES IN BOOK 4606 PAGE 454.

WHEREAS, on November 4, 2019, by Roll Call No. 19-1721, it was duly resolved by the City Council that the application from Des Moines Area Community College (DMACC) to rezone the Property and to amend the Human Services Campus PUD Conceptual Plan be set down for hearing on November 18, 2019 at 5:00 P.M., in the Council Chamber at City Hall; 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 Human Services Campus 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 Human Services Campus 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 1031 and 1039 9th Street and legally described above.

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 subject to the conditions set forth above, and any objections to the proposed amendment to the Human Services Campus PUD Conceptual Plan, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property, as legally described above, to "PUD" Planned Unit Development is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use Plan and is approved, subject to the conditions set forth above and subject to final passage of an ordinance rezoning the Property as set forth herein.
3. The proposed amendment to the Human Services Campus 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 final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Mandelbaum TO ADOPT.

FORM APPROVED:

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

(ZON2019-00197)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
BOESEN	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
MANDELBAUM	✓			
WESTERGAARD	✓			
TOTAL	7			

CERTIFICATE

I, P. KAY CMELIK, 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.

MOTION CARRIED APPROVED
T. M. Frank Mayor

P. Kay Cmelik
City Clerk