

Date..... April 21, 2008

WHEREAS, on April 7, 2008, by Roll Call No. 08-567, it was duly resolved by the City Council that it consider a proposal from Drake University to rezone certain property in the vicinity of 1428 29th Street and 2901 Forest Avenue from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District classification, and that such proposal be set down for hearing on April 21, 2008 at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on April 10, 2008, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, the Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the properties located in the vicinity of 1428 29th Street and 2901 Forest Avenue, more fully described as follows (the "Property"):

Lots 16 through 20 Drake Athletic Park Addition

from "R1-60" One-Family Low-Density Residential District to Limited "C-1" Neighborhood Retail Commercial District classification to allow use of the property for expansion of freestanding off-street parking; and

WHEREAS, the Plan and Zoning Commission has recommended that the proposed rezoning be approved, subject to the conditions identified in the attached letter from the Planning Administrator and set forth below; and,

WHEREAS, in accordance with said notice those interested in said proposed rezoning, 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, statements of interested persons and arguments of counsel, the objections to said proposed rezoning are hereby overruled and the hearing is closed.

(continued)

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2. The proposed rezoning of the Property is hereby approved, subject to the applicant agreeing to the following conditions:

- a. The only uses allowed are those permitted in the "R-3" District, communications tower and antennas, and off-street parking lot.
- b. No access for off-street parking into any adjoining "R" District.
- c. Compliance with all site plan requirements for landscaping, tree protection/mitigation, grading, soil erosion and storm water management.

MOVED by _____ to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:


 Michael F. Kelley
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				

MOTION CARRIED

APPROVED

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.

 City Clerk