

Date July 23, 2007

WHEREAS, on July 9, 2007, by Roll Call No. 07-1287, it was duly resolved by the City Council that the application of Tony Denton to rezone certain property he is purchasing from SRS, Inc., and located in the vicinity of 1152 – 22nd Street, more fully described as follows:

The North 88.47 feet of the South 188.47 feet of Lot 1, Block 4, Cottage Grove, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the “R1-60” One-Family Low-Density Residential District to the “NPC” Neighborhood Pedestrian Commercial District classification, be set down for hearing on July 23, 2007, at 5:00 P.M., in the Council Chambers of the City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on July 12, 2007, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; 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; and,

WHEREAS, the Plan and Zoning Commission voted 12-0 in support of a motion to recommend that the proposed rezoning and the corresponding amendment to the comprehensive plan be denied.

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 the proposed rezoning are hereby sustained, and the hearing is closed.
2. The City Council hereby makes the following findings of fact regarding the proposed rezoning:
 - A. The proposed rezoning is not in conformance with the Des Moines 2020 Community Character Land Use Plan.
 - B. The proposed rezoning is not in conformance with the intent of the “NPC” District as specified in Section 134-911 of the Zoning Ordinance. The “NPC” District “is intended for early 20th century streetcar and automobile corridors with a variety of

(continued)

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Date July 23, 2007

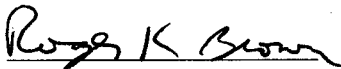
retail shopping, office use, and apartments.” The rezoning of an area to the “NPC” District is “intended to aid in the preservation and stabilization of the commercial corridor along the primary commercial street by improving the pedestrian access, promoting retail density, protecting the adjacent residential districts, and protecting the character of the district.” The property proposed to be rezoned is not located on such a corridor.

C. The property can be economically used for a single-family dwelling in conformance with the applicable “R1-60” district regulations.

3. The proposed rezoning of the property described above to the “NPC” District classification is hereby DENIED.

MOVED by _____ to adopt and deny the proposed rezoning..

FORM APPROVED:



Roger K. Brown

Assistant City Attorney

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NOTE: If the City Council desires to approve the rezoning, an appropriate motion would be to continue the public hearing until August 6, 2007, and to direct the Legal Department to prepare the appropriate legislation to approve the proposed rezoning subject to appropriate conditions. Six affirmative votes will be required to approve the rezoning due to the Commission’s recommendation for denial.

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.

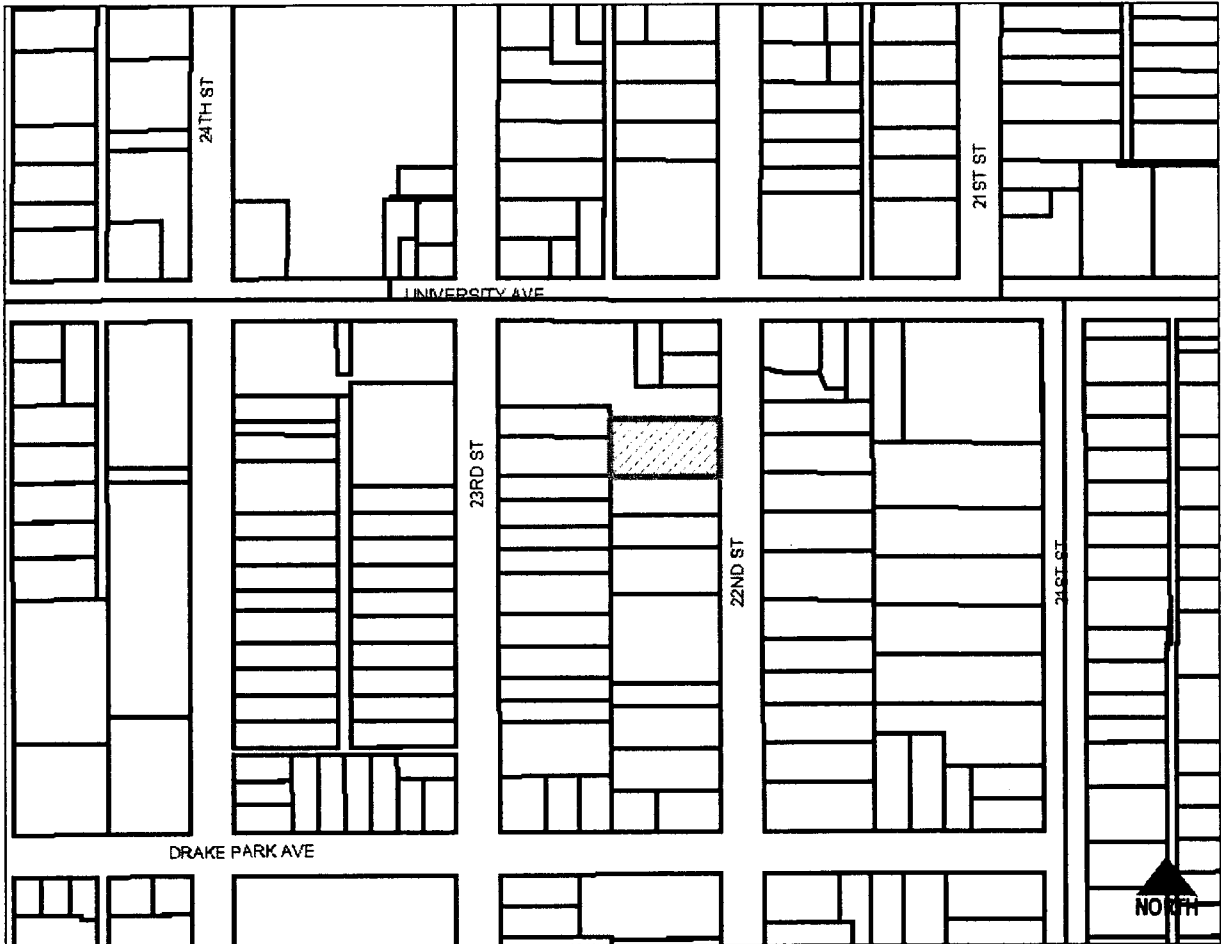
City Clerk

46B

Request from Tony Denton (purchaser) to rezone property located at 1152 22 nd Street. Subject property is owned by SRS, Inc.		File # ZON2007-00075		
Description of Action	Rezone property from "R1-60" One-Family Low-Density Residential District to "NPC" Neighborhood Pedestrian Commercial District to allow development of pedestrian-oriented row house development.			
2020 Community Character Plan	Low-Medium Density Residential			
Horizon 2025 Transportation Plan	No Planned Improvements			
Current Zoning District	"R1-60" One-Family Low-Density Residential District			
Proposed Zoning District	"NPC" Neighborhood Pedestrian Commercial District			
Consent Card Responses	In Favor	Not In Favor	Undetermined	% Opposition
Inside Area				
Outside Area	3	2	0	<20%
Plan and Zoning Commission Action	Approval		Required 6/7 Vote of the City Council	Yes
	Denial	12-0		No

Tony Denton - 1152 22nd Street

ZON2007-00075



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Item 2007 00075

Date 6-14-07

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED
JUN 18 2007

Print Name KATHY LANGFORD

Signature *Kathy Langford*

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 1165-62nd

Reason for opposing or approving this request may be listed below:

Item 2007 00075

Date 6-10-07

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED

JUN 12 2007

Print Name Scott Stern

Signature *[Signature]*

COMMUNITY DEVELOPMENT
DEPARTMENT

Address 1169 22nd St

Reason for opposing or approving this request may be listed below:

I think it will raise my property
value - please make them provide
off-street parking

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Item 2007 00075

Date 6-13-07

I (am) (am not) in favor of the request.
(Circle One)

RECEIVED

Print Name James D RADDATK

JUN 15 2007

Signature James D Raddatk

COMMUNITY DEVELOPMENT DEPARTMENT address 6980 Colby DR #17 - WDM IA 50266

Reason for opposing or approving this request may be listed below:

own 1157 & 1161 213rd & 2118 university

NO Objection

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Item 2007 00075

Date 6/9/2007

I (am) (am not) in favor of the request.

(Circle One)

RECEIVED

JUN 13 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Print Name Frank Affannato

Signature Frank Affannato

Address 1128 22nd St. DM 50311

Reason for opposing or approving this request may be listed below:

We worked to have the zoning changed to its present form about 2 years ago and to revert to this proposed change will ~~probably~~ increase the problems with rental properties in the neighborhood

Item 2007 00075

Date 18 June 07

I (am) (am not) in favor of the request.

(Circle One)

Suzanne Stewart

Print Name MARK BEQUAITH

Suzanne Stewart

Signature Mark Bequait

RECEIVED

1153 23rd St

Address 1153 23rd St.

JUN 21 2007

COMMUNITY DEVELOPMENT DEPARTMENT

Reason for opposing or approving this request may be listed below:

Plan is not complete or detailed enough at this time to approve. Would recommend giving Mr. Denton another 60 days to provide additional information. Seems like a decent neighbor and I want development, just not enough info in current planning.