★ **Roll Call Number**

Agenda Item Number
44B

Date April 3, 2017

RESOLUTION HOLDING HEARING ON REQUEST FROM CAPITOL VIEW CREDIT UNION TO REZONE PROPERTY LOCATED AT 623 EAST 12TH STREET

WHEREAS, on March 20, 2017, by Roll Call No. 17-0475, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 2, 2017, its members voted 13-0 in support of a motion to recommend **APPROVAL** of a request from Capitol View Credit Union (owner), represented by Brent Kowalsky (officer), to rezone property located at 623 East 12th Street from "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District to allow conversion of a former medical office building to a drive-up financial institution, subject to the following conditions:

1) Any primary building shall have a glass storefront entrance that directly fronts East 12th Street to the satisfaction of the Planning Administrator.

2) The site shall be brought into conformance with current Site Plan regulations; 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 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 Legal Department has prepared an amendment to the Zoning Ordinance of the City of Des Moines to rezone the Property locally known as 623 East 12th Street, legally described as:

EXCEPT PARCEL 2017-15, THE NORTH 118 FEET OF LOT 11 AND THE NORTH 75 FEET OF LOT 12 AND THE SOUTH 17 FEET OF VACATED LYON STREET RIGHT-OF-WAY LYING NORTH OF AND ADJACENT TO SAID LOTS 11 AND 12, BLOCK 18 OF STEWART'S ADDITION, AN OFFICIAL PLAT AND 2017-14, ALL NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from "C-0" Commercial-Residential District to "C-1" Neighborhood Retail Commercial District, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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

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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 "C-1" Neighborhood Retail Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.

2. The proposed rezoning of the Property to "C-1" Neighborhood Retail Commercial District with conditions as set forth above, is hereby found to be in conformance with the existing PlanDSM: Creating Our Tomorrow plan and is approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2017-00009)

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