★ **Roll Call Number**

Agenda Item Number
57B

Date April 9, 2018

RESOLUTION HOLDING HEARING ON REQUEST FROM MIKE HOUSBY AND RHONDA GALE TO REZONE 1970 EAST ARMY POST ROAD

WHEREAS, on March 19, 2018, by Roll Call No. 18-0460, the City Council received a communication from the City Plan and Zoning Commission advising that at a public hearing held on March 1, 2018, its members voted 10-0 in support of a motion to recommend **DENIAL** of a request from Mike Housby and Rhonda Gale (purchasers) to rezone property at 1970 East Army Post Road ("Property") from "R1-80" One-Family Residential District to Limited "M-1" Light Industrial District, to allow the Property to be developed for a contractor business with outside storage and with "C-2" General Retail and Highway-Oriented Commercial District permitted uses; and

WHEREAS, on March 19, 2018, by Roll Call No. 18-0460, it was duly resolved by the City Council that the application of Mike Housby and Rhonda Gale to rezone the Property, legally described as follows, be set down for hearing on April 9, 2018 at 5:00 p.m. in the Council Chamber at the Council Chambers:

The East 300 feet of Lot 69 and Lot 77 (Except the South 36.2 feet on the West line and the South 35.6 feet on the East line) in NEW HOPE, an Official Plat now included in and forming a part of the City of Des Moines, Polk County, Iowa; 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 rezoning; 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 and any statements of interested persons and arguments of counsel, any and all comments for and against the proposed rezoning of the Property to Limited "M-1" Light Industrial District, to allow the Property to be developed for a contractor business with outside storage and with "C-2" General Retail and Highway-Oriented Commercial District permitted uses, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by _____ to adopt and **DENY** the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning:

a. The City Plan and Zoning Commission voted 10-0 to recommend denial of the requested rezoning of the Property to Limited "M-1" Light Industrial District, to allow the Property to be

★ **Roll Call Number**

Agenda Item Number
57B

Date April 9, 2018

developed for a contractor business with outside storage and with "C-2" General Retail and Highway-Oriented Commercial District permitted uses.

b. The PlanDSM: Creating Our Tomorrow Plan future land use designation of the Property is Low Density Residential and Medium Density Residential, which is not in conformance with the proposed Industrial use of the Property as stated above.

c. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

Alternative B

MOVED by _____ to continue the public hearing until April 23, 2018, at 5:00 p.m. in the Council Chambers at City Hall, 400 Robert D. Ray Drive, Des Moines, Iowa, and to direct the City Manager and Legal Department to prepare the necessary legislation to **APPROVE** the rezoning subject to conditions acceptable to the City and the owner(s).

MOVED BY _____ TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2018-00022)

NOTE: *Six affirmative votes are required to approve the proposed rezoning due to the Plan and Zoning Commission's recommendation for denial. Des Moines City Code §134-4.*

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
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