



Date March 11, 2019

RESOLUTION HOLDING HEARING ON REQUEST FROM BROWN DOG REALTY, LLC TO REZONE PROPERTY LOCATED AT 2110 WAKONDA VIEW DRIVE

WHEREAS, on February 25, 2019, by Roll Call No. 19-0284, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on February 7, 2019, its members voted 9-0 in support of a motion to recommend **APPROVAL** of a request from Brown Dog Realty, LLC (owner), represented by David Kriens (officer), to rezone property located at 2110 Wakonda View Drive (“Property”) from “R1-80” One-Family Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District, to allow off-street parking, loading and maneuvering areas to the west of the existing plumbing and mechanical shop on the Property, subject to the following conditions:

1. The Property shall not be used for any of the following prohibited uses: adult entertainment business; businesses selling liquor, wine, or beer; off-premises advertising signs; taverns and nightclubs; and vehicle display lots.
2. Replacement of the existing drive access as part of any site expansion shall require reduction of the width to a maximum of 36 feet in width with 10-20 foot radii.
3. Provision of a five-foot wide public sidewalk along Wakonda View Drive as part of any site expansion.
4. Compliance with all landscaping requirements as applicable to “C-2” Districts as part of any site expansion. In addition, a bufferyard using “C-2” District standards shall be provided along the west side of any paved area as part of any site expansion; and

WHEREAS, on February 25, 2019, by Roll Call No. 19-0284, it was duly resolved by the City Council that the application of Brown Dog Realty, LLC to rezone the Property, as legally described below, be set down for hearing on March 11, 2019 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, 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 2110 Wakonda View Drive, legally described as:

THE EAST ½ HALF OF LOT 30 AND THE WEST 30 FEET OF LOT 31, WAKONDA KNOLLS, AN OFFICIAL PLAT, NOW INCLUDED IN AND FORMING A PART OF THE CITY OF DES MOINES, POLK COUNTY, IOWA

from “R1-80” One-Family Residential District to Limited “C-2” General Retail and Highway-Oriented Commercial District, to allow off-street parking, loading and maneuvering areas to the west of the existing plumbing and mechanical shop on the Property, subject to the conditions stated above as agreed to and

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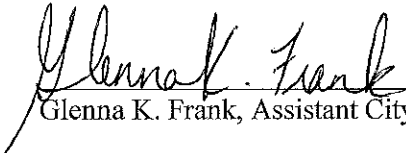
accepted by execution of an Acceptance of Rezoning Ordinance in writing by the owner(s) of the Property, which is binding upon the owner(s) and their successors, heirs and assigns.

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 Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above, is hereby found to be in conformance with the PlanDSM: Creating Our Tomorrow Land Use 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, Assistant City Attorney

(ZON2019-00002)

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