



Roll Call Number

08-607

Agenda Item Number

54

Date April 7, 2008

WHEREAS, on March 24, 2008 by Roll Call. No. 08-484, it was duly resolved by the City Council that the application of Everett Kenoyer, to rezone certain property owned by Kenoyer & Associates and located in the vicinity of 1721 Keosauqua Way, more fully described below, be set down for hearing on April 7, 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 March 28, 2008, as provided by law, setting forth the time and place of 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 following described property:

South 63 Feet of Lot 12 and vacated alley 8 Feet South of and adjoining Garden Addition; and West 40 Feet of Lot 168 Keosauqua Way Plat 5; and all of vacated 18th Street between Carpenter and Keosauqua Way, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein the "Property")

from the R1-60 District to a Limited C-1 District classification, subject to the following conditions which are agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of said property and is binding upon the owners and their successors, heirs and assigns as follows:

- A. The following uses of structures and land shall be prohibited upon the Property:
 - (1) Package goods stores for the sale of alcoholic beverages.
 - (2) Pawn shops.
 - (3) Upholstery shops.
 - (4) Financial institutions which have as a principal component of their business the issuance of loans based on collateral of checks, future payroll or vehicles titles.

- B. There shall be no vehicular access to the Property and Carpenter Avenue.



Roll Call Number

08-607

Agenda Item Number

54

Date April 7, 2008

- C. Any retaining wall constructed on the Property over four feet in height shall be designed and approved by a professional engineer.

NOW, THREFORE, 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 of the Property to a Limited C-1 District is hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

Moved by Vlassis to adopt and approve the rezoning, subject to final passage of the rezoning ordinance

APPROVED AS TO FORM:

[Signature]
Michael F. Kelley
Assistant City Attorney

G:\USERS\CRNoah\MFK\Rezoning\1721 Keosauqua - closing hearing rc.doc

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	6			1

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.

[Signature]
MAYOR PRO TEM

[Signature]
City Clerk