



Roll Call Number

081252

Agenda Item Number

64

Date July 14, 2008

WHEREAS, the City Plan and Zoning Commission has advised in the attached letter that at a public hearing held on May 15, 2008, the members voted 13-0 to recommend APPROVAL of a request from Des Moines Medical Center, Inc. (owner) to rezone property located at 1057 5th Avenue, from "C-O" Commercial Residential District to "C-1" Neighborhood Retail Commercial District, to allow for redevelopment of the property for medical officers having a commercial architectural character, subject to the owner of the property agreeing to accept the following conditions:

- A. The property may only be used for the following:
 - 1) Any use as permitted in the "C-O" Commercial Residential District; or
 - 2) Medical clinics, medical offices, or other ancillary uses that are customary to the support of a regional hospital medical center
- B. Architectural character for any building constructed shall be compatible with the surrounding institutional buildings as determined by the Planning Director.

The subject property is more specifically described as follows:

Lot 4, Blk D, River Hills Plat 1, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

WHEREAS, on May 23, 2008 by Roll Call No. 08-1100 it was duly resolved by the City Council, that the application for rezoning as described above be set down for hearing on June 14, 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 Registered on July 3, 2008; 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 the notice, those interested in the proposed rezoning, for and against, have been given the opportunity to be heard 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. That upon consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed amendment to the proposed rezoning are hereby overruled and the hearing is closed.



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2. That the proposed rezoning is hereby found to conform to the Des Moines 2020 Community Character Land use Plan, subject to the conditions set forth above.

3. The proposed rezoning for property described above, from from "C-O" Commercial Residential District to "C-1" Neighborhood Retail Commercial District is hereby approved, subject to the conditions set forth above and as set forth in the attached letter from the Planning Administrator.

Moved by Hensley to adopt

APPROVED AS TO FORM:

Michael F. Kelley
Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
HENSLEY	✓			
KIERNAN	✓			
MAHAFFEY	✓			
MEYER	✓			
VLASSIS	✓			
TOTAL	7			

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.

MOTION CARRIED APPROVED
T. M. Franklin Mayor

Diane Rauh City Clerk