

★ Roll Call Number

08-1690

Agenda Item Number

47B

Date September 22, 2008

WHEREAS, on September 8, 2008, by Roll Call No. 08-1578, it was duly resolved by the City Council that the application of David Rogers, to rezone certain property owned by Quincy Place, LLC and located in the vicinity of 2501 24th Street, more fully described below, be set down for hearing on September 22, 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 September 11, 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 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:

---

North 220 feet measured on the East lot line of Lot 25 and all Lot 26, Murray Hill, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the R1-60 One-Family Low-Density Residential District and R-3 Multiple Family Residential District to a Limited R-3 Multiple-Family Residential 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 which is binding upon the owners and their successors, heirs and assigns as follows:

A. Any multiple-family residential use of the property shall have a maximum of 36 dwelling units. (Note: any multiple-family residential use of the property with more than 27 dwelling units is subject to the Zoning Board of Adjustment granting the necessary Exception from the zoning regulations.)

B. Any building shall be constructed to predominantly face 24<sup>th</sup> Street and have a front yard setback of approximately 30 feet.

C. Any off-street parking shall be either to the side or to the rear of any building constructed and not between the street and any building.

( continued )

★ Roll Call Number  
08-1690

Agenda Item Number  
47B

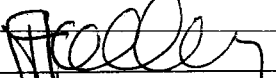
Date September 22, 2008

-2-

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that 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 R-3 District are hereby overruled, and the hearing is closed.

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

FORM APPROVED:

  
Michael F. Kelley  
Assistant City Attorney

\*Council Member Hensley declares a conflict of interest and abstains from voting.

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

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.

Diane Rauh City Clerk

MOTION CARRIED APPROVED  
Y. M. Franklin Council  
Mayor