

★ Roll Call Number

09-1133

Agenda Item Number

55B

Date June 22, 2009

WHEREAS, on June 8, 2009, by Roll Call No. 09- 980 , it was duly resolved by the City Council that the application of Ryan Galloway to rezone certain property he owns that is located south of Atkins Street between 18th and 19th Streets, more fully described below, be set down for hearing on June 22, 2009, 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 June 11, 2009, 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:

The South 10.0 feet of Lot 5; all Lots 6 and 7; the vacated South 10 feet of Lot 42; all of the vacated North/South alley right-of-way lying East of and adjoining Lots 36, 37 and 38; and, the West 1/2 of the vacated North/South alley right-of-way lying East of and adjoining Lots 39, 40 and 41, and lying East of and adjoining the South 20.0 feet of Lot 42, all in Butler's Addition, an Official Plat all now included in and forming a part of the City of Des Moines, Polk County, Iowa (hereinafter referred to as the "Property").

from the "R-3" Multiple-Family Residential District to a Limited "NPC" Neighborhood Pedestrian Commercial 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 use of the Property shall be restricted to single-family, two-family or multiple-family residential uses and accessory uses customarily incidental and subordinate to such principal uses.
- B. A minimum of one (1) off-street parking space shall be provided for each dwelling unit upon the property.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, as follows:

(continued)



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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 "NPC" Neighborhood Pedestrian Commercial District are 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, as amended on this date.

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

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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

MOTION CARRIED

APPROVED

T. M. Franklin Cownie
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.

Diane Fauh City Clerk