

★ Roll Call Number  
10-1879

Agenda Item Number  
56B

Date November 8, 2010

WHEREAS, on October 25, 2010 by Roll Call No. 10-1727, it was duly resolved by the City Council that the application of Connie S. Ashby to rezone certain property she owns, and located in the vicinity of 1521 East 40<sup>th</sup> Street, more fully described below, be set down for hearing on November 8, 2010, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 28, 2010, as provided by law, setting forth the time and place for hearing on the proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with the 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:

All that part of Lot 15, Broadacre, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa, more particularly described as follows:

Beginning at the Southwest corner of said Lot 15, thence North 0°00'00" East, a distance of 123.12 feet; thence North 89°38'39" East, a distance of 137.00 feet; thence South 16°59'05" East, a distance of 128.37 feet; thence South 89°36'18" West, a distance of 174.50 feet to the Point of Beginning.

from the U-1 Floodplain District to Limited R1-60 One-Family Low-Density Residential District classification, subject to the following conditions which have been agreed to and accepted by execution of an Acceptance of Rezoning Ordinance in writing by all owners of the property and are binding upon the owners and their successors, heirs and assigns as follows:

- a. Any addition to the existing dwelling or construction of any other single-family dwelling shall have no openings, windows, or entrances at an elevation less than one foot above the proposed 1% annual chance flood elevation as enforced by Chapter 50 of the City Code.
- b. No portion of any property requested to be rezoned to R1-60 shall be within any area proposed for a 0.2% annual chance of flood hazard as demonstrated by a Land Surveyor licensed with the State of Iowa.

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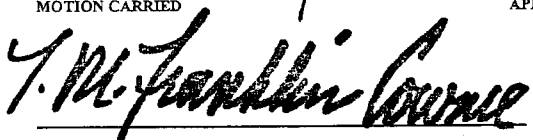
NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa, that upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited R1-60 One-Family Low-Density Residential District classification District are hereby overruled, the hearing is closed, and the proposed rezoning is hereby APPROVED.

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

FORM APPROVED:

  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			
MOTION CARRIED			APPROVED	

  
 T. M. Franklin  
 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 Rauh  
 City Clerk