

★ **Roll Call Number**  
11-0255

**Agenda Item Number**  
74B

**Date** February 14, 2011

REZONING OF RESIDENTIAL PROPERTIES AT 4600, 4610 AND 4720 SW 31<sup>ST</sup> STREET  
FROM THE "M-3" LIMITED INDUSTRIAL DISTRICT TO THE  
"R1-80" ONE-FAMILY RESIDENTIAL DISTRICT,  
TO RESTORE SUCH PROPERTIES TO A LEGAL CONFORMING USE STATUS

WHEREAS, Gayland Hoffman of 4600 SW 31st Street, Richard Phillips of 4610 SW 31st Street, and Robert Kinder of 4720 SW 31st Street, have asked that their homes at the addresses above be rezoned back to the "R1-80" One-Family Residential District from the "M-3" Limited Industrial District; and,

WHEREAS, the properties identified above were rezoned from "R1-80" District to the "M-3" District by Ordinance No. 7226, passed July 12, 1965, in the expectation that the properties would be acquired by the Des Moines International Airport for airport or airport related facilities; and,

WHEREAS, the properties were not acquired by the Airport, are not needed for any planned airport activities, and continue to be used for owner-occupied single-family dwellings; and,

WHEREAS, residential uses are not permitted in the "M-3" District, which causes the dwellings on the properties identified above to be legal non-conforming, which makes it more difficult and expensive for the potential buyers and owners of these properties to obtain financing for the purchase and improvement of these properties; and

WHEREAS, the rezoning of the properties identified above, and more specifically described below, from the "M-3" Limited Industrial District to the "R1-80" One Family Residential District, and any necessary amendment to the Des Moines 2020 Community Character Land Use Plan necessary to accommodate such rezoning, was initiated by the City Council:

Lots 7, 8 and 13, Serendipity Plat 3, an Official Plat; and, Lot 1, Airport Heights, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

WHEREAS, on January 10, 2011 by Roll Call No. 11-0025, the proposed rezoning and any necessary amendment to the Des Moines 2020 Community Character Land Use Plan necessary to accommodate such rezoning was set for public hearing by the City Council in the Council Chambers at City Hall, Des Moines, Iowa at 5:00 p.m. on February 14, 2011, at which time the City Council heard those who oppose and those who favor the proposal.

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WHEREAS, notice of the public hearing was published according to law in the Des Moines Register on February 3, 2011.

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 that the objections of the proposed rezoning of the property to R1-80 are hereby overruled, the hearing is closed, and the proposed rezoning is approved.

MOVED by Hensley to adopt.

APPROVED AS TO FORM:

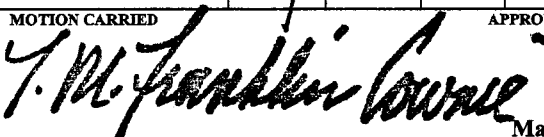
  
 Michael F. Kelley  
 Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
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 7 APPROVED  
  
 T. M. Franklin  
 Mayor

  
 Diane Rauh  
 City Clerk