

★ Roll Call Number

12-1654

Agenda Item Number

42B

October 22, 2012

Date

WHEREAS, on October 8, 2012 by Roll Call No. 12-1559, it was duly resolved by the City Council that the application of Christ the King Housing Services, L.L.P. to rezone certain property located in the vicinity of 5602 S.W. 9th Street, more fully described below, be set down for hearing on October 22, 2012, at 5:00 p.m., in Council Chambers at City Hall; and

WHEREAS, due notice of the hearing was published in the Des Moines Register on October 11, 2012, 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 published notice those interested in the 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:

(Except beginning at the Northeast corner thence south 101.43 feet along the East lot line; thence west 16 feet along the South lot line; thence north 72.59 feet along a line 16 feet west of and parallel to the East lot line; thence northwesterly 31.81 feet; thence west 100.9 feet; thence northwesterly 120.75 feet; thence east 259.46 feet along the North lot line to the Point of Beginning) Lot 1, Nichols Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa,

from C-2 General Retail and Highway Oriented Commercial District and R1-60 One-Family Low-Density Residential District to Limited R-4 High Density Residential District, 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 the property and is binding upon the owners and their successors, heirs and assigns as follows:

- a. Any multiple-family residential use of the property shall be limited to housing for the elderly whereby residents must be over the age of 55 years.
- b. Any multiple-family residential use of the property shall be in substantial compliance with the submitted architectural rendering and site sketch, to include brick, stone, or masonry block around the lower two levels.

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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 Limited R-4 High Density Residential District classification are hereby overruled, and the hearing is closed, and the proposed rezoning to the R-4 district classification is hereby APPROVED.

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

FORM APPROVED:

Michael F. Kelley
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 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 Rauh City Clerk