

★ Roll Call Number

12-1658

Agenda Item Number

43B

October 22, 2012

Date.....

WHEREAS, on October 8, 2012 by Roll Call No. 12-1560, it was duly resolved by the City Council that the application of Jeff Nicholson to rezone certain property located in the vicinity of 909 East 27th 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 Northwest corner; thence East 5 feet; thence Southwesterly to Southwest corner; thence North to Point of Beginning) Lot 5, Block 3, Farwell Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from R1-60 One-Family Low-Density Residential District to Limited C-1 Neighborhood Retail Commercial District classification, subject to the following condition which is 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:

Screening of any outdoor storage that is permitted.

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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 C-1 Neighborhood Retail Commercial District classification are hereby overruled, and the hearing is closed, and the proposed rezoning to the Limited C-1 District classification is hereby APPROVED.

Moved by Mayer 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			

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.

T. M. Franklin
 Mayor

Diane Rauh
 City Clerk