

★ Roll Call Number

12-1799

Agenda Item Number

40B

Date.....  
November 19, 2012

WHEREAS, on October 8, 2012 by Roll Call No. 12-1558, it was duly resolved by the City Council that the application of Strollo Development, L.L.C. to rezone certain property located in the vicinity of 2419 Southeast 14<sup>th</sup> 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, on October 22, 2012 by Roll Call No. 12-1651, the City Council resolved to continue the hearing until November 19, 2012 at 5:00 p.m. in City Council Chambers at City Hall; 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 the West 10 feet) Lots 8 & 9, Levitt Place, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

to remove the VDL Vehicle Display Lot Overlay District from the subject property, 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. Provision of 22-foot minimum paving setbacks along the Southeast 14<sup>th</sup> Street and East Lacona Avenue frontages, and 17-foot minimum paving setbacks along the south and east property lines. No vehicle shall be displayed or parked to allow an overhang or encroachment into street side setbacks.
- b. Provision of landscaping materials in excess of and to exceed the minimum requirements of the Des Moines' Landscaping Standards to be determined by the Commission at Site Plan review.

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

1. The City Council specifically finds the proposed use demonstrates the provision of exceptional setbacks, landscaping and other site amenities that mitigate the visual impact of the vehicle display lot from the Southeast 14<sup>th</sup> Street corridor.

2. That upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning to remove the VDL Vehicle Display Lot Overlay District from the subject property are hereby overruled, the hearing is closed, and the proposed rezoning to remove the VDL Vehicle Display Lot Overlay District from the property is hereby APPROVED.

Moved by Meyer 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  
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  
Diane Rauh  
City Clerk