

★ Roll Call Number

13-0149

Agenda Item Number

47B

Date January 28, 2013

WHEREAS, on January 14, 2013 by Roll Call No. 13-0067, it was duly resolved by the City Council that the application of SPTIHS Property Trust to rezone certain property located in the vicinity of 2401 East 8th Street from the R1-60 One-Family Low-Density Residential District, to a Limited R-3 Multiple-Family Residential District classification, more fully described below, be set down for hearing on January 28, 2013, 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 January 17, 2013, 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 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:

The South 223 feet of the North 232 feet Lot 11, Park View, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the R1-60 One-Family Low-Density Residential District, to a Limited R-3 Multiple-Family 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:

- (1) The only permitted uses are those allowed within the R1-60 District and nursing, convalescent, or retirement homes.
- (2) Any expansion of the building or parking within the subject property is subject to review of a Site Plan by the Permit and Development Center.

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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 from the R1-60 One-Family Low-Density Residential District, to a Limited R-3 Multiple-Family Residential District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited R-3 District classification is hereby APPROVED.

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

FORM APPROVED:

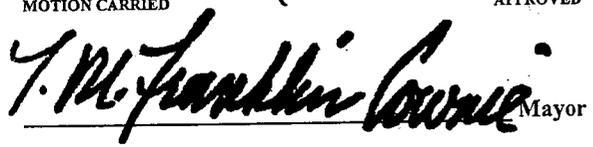

 Michael F. Kelley
 Assistant City Attorney

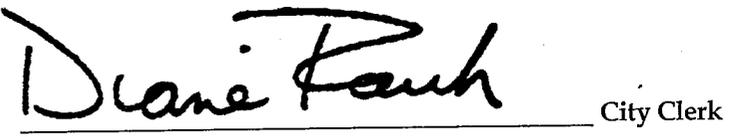
COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN				✓
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	6			1

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

APPROVED