

★ Roll Call Number

13-0839

Agenda Item Number

58 B

Date May 20, 2013

WHEREAS, on May 6, 2013 by Roll Call No. 13-0720, it was duly resolved by the City Council that the application of John J. Scieszinski to rezone certain property located in the vicinity of 1135 Army Post Road from the R1-60 One-Family Low-Density Residential District to a Limited C-2 General Retail and Highway Oriented Commercial District classification, more fully described below, be set down for hearing on May 20, 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 May 9, 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:

North 152.05 feet of Lot 7 and the South 46.05 feet of the North 152.05 feet of Lot 6, COHRON, 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 C-2 General Retail and Highway Oriented Commercial 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) Use of the property shall be limited to the following:
 - (a) Any residential use as permitted and limited in the R-2 District.
 - (b) Any commercial use as allowed and limited in the C-0 District.
 - (c) Accessory off-street parking lot used for the temporary placement of operable motor vehicles in support of a use as permitted in the C-2 District that occurs on the southern portion of the subject property (1135 Army Post Road).
- (2) The portion of property being rezoned shall be brought into conformance with the City's current landscaping requirements.
- (3) Any future development of the property shall comply with a Site Plan as approved 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 C-2 General Retail and Highway Oriented Commercial District classification are hereby overruled, the hearing is closed, and the proposed rezoning to the Limited C-2 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 Council 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