



**Roll Call Number**

13-1136

**Agenda Item Number**

53

**Date** July 15, 2013

**RESOLUTION CLOSING HEARING ON REQUEST BY KELLI WULFEKUHLE TO REZONE PROPERTY AT 1617 OAKLAND AVENUE FROM THE R1-60 ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO THE R-3 MULTIPLE FAMILY RESIDENTIAL DISTRICT AND DENYING SAME**

WHEREAS, on June 24, 2013, by Roll Call No. 13-0985, it was duly resolved by the City Council that the application of Kelli Wulfekuhle, to rezone certain property she owns in the vicinity of 1617 Oakland Avenue, more fully described as follows:

(Except the East 150 feet) the North 110 feet of the South 225 feet of Lot 47; and, the West 20 feet of the East 105 feet of the South 115 feet of said Lot 47, in Oakland, 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 the R-3 Multiple Family Residential District classification, be set down for hearing on July 15, 2013, at 5:00 P.M., in the Council Chambers at City Hall; and,

WHEREAS, due notice of said hearing was published in the Des Moines Register on July 3, 2013, as provided by law, setting forth the time and place for hearing on said proposed amendment to the Zoning Ordinance; and,

WHEREAS, in accordance with said notice those interested in said 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;

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

1. The hearing on the proposed rezoning is hereby closed and the proposed rezoning is hereby denied.
2. The City Council hereby makes the following findings of fact in support of its decision to deny the proposed rezoning.
  - a) The subject property is located a block east of the 6th Avenue mixed-use corridor, and within the River Bend Local Historic District. The area is characterized by large multi-story single-family dwellings and multiple-family conversions.
  - b) The property was rezoned from "R-3" to R1-60" on October 27, 2008, as part of a neighborhood wide rezoning to implement the River Bend Neighborhood Action Plan. The rezoning was in response to an effort by the neighborhood to reduce density and encourage density reduction within dwellings that had been converted from single-family

( continued )



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to multiple-family. Properties that were built as multiple-family dwellings or which conformed to lot area per unit standards were not rezoned.

- c) The Des Moines 2020 Community Character Land Use Plan classifies the property as Low Density Residential. The proposed rezoning is not in conformance with the adopted land use plan.
- d) Amending the land use plan to include the subject property within a Medium Density Residential designation would be contrary to the intent of the River Bend Neighborhood Action Plan.

MOVED by Griess to deny the proposed rezoning.

**FORM APPROVED:**

Roger K. Brown  
Roger K. Brown  
Assistant City Attorney

**NOTE:**

*Six affirmative votes are required to approve the proposed rezoning. If the City Council desires to approve the proposed rezoning, an appropriate motion would be to continue the hearing on the rezoning until July 29th, and to direct the Legal Department to prepare the necessary legislation to approve the rezoning with appropriate conditions.*

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