

★ Roll Call Number  
14-0429

Agenda Item Number  
36B

Date March 10, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF FREEDOM FINANCIAL BANK TO REZONE PROPERTY IN THE VICINITY OF 2125 HIGH STREET FROM THE "R-2A" GENERAL RESIDENTIAL DISTRICT TO A LIMITED "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on February 24, 2014, by Roll Call No. 14-0279, it was duly resolved by the City Council that the application of Freedom Financial Bank, represented by Jeff Payne (officer), to rezone certain property it owns in the vicinity of 2125 High Street, more fully described below, be set down for hearing on March 10, 2014, 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 February 27, 2014, 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; 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:

Lot 6, PARK PLACE, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from the "R-2A" General Residential District to a Limited "C-1" Neighborhood Retail Commercial District classification, 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 said property and is binding upon the owners and their successors, heirs and assigns as follows:

The Property and any adjoining land into which the Property is assembled for development shall be subject to the following requirement, which shall be a condition of site plan approval and enforceable as a site plan requirement:

A dense shrub screen or similar buffer treatment approved by the City Planning Administrator, shall be installed and maintained along the southern perimeter of the existing and modified drive-through, and along the southern perimeter of any future driveways or parking lots, to block vehicle headlights from illuminating the townhomes on the south side of High Street.

( continued )

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

1. Upon due consideration of the facts, statements of interested persons and arguments of counsel, the objections to the proposed rezoning of the Property to a Limited "C-1" Neighborhood Retail Commercial District are hereby overruled, and the hearing is closed.

2. The proposed rezoning is hereby found to be in conformance with the Des Moines 2020 Community Character Land Use Plan.

MOVED by Hensley to adopt and approve the rezoning, subject to final passage of the rezoning ordinance.

FORM APPROVED:

Roger K. Brown

Roger K. Brown

Assistant City Attorney

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COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
GATTO	✓			
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