

★ Roll Call Number

14-0727

Agenda Item Number

43

Date May 5, 2014

RESOLUTION CLOSING HEARING ON THE APPLICATION OF JERRY HOOTS TO REZONE PROPERTY IN THE VICINITY OF 2428 SW 9TH STREET FROM THE "C-1" NEIGHBORHOOD RETAIL COMMERCIAL DISTRICT TO A LIMITED "C-2" GENERAL RETAIL AND HIGHWAY ORIENTED COMMERCIAL DISTRICT, AND CONDITIONALLY APPROVING SAME

WHEREAS, on April 21, 2014, by Roll Call No. 14-14-0615, it was duly resolved by the City Council that the application of Jerry A. Hoots, to rezone certain property he owns in the vicinity of 2428 SW 9th Street, more fully described below, be set down for hearing on May 5, 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 April 25, 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:

Lots 1 thru 5, Dorward Place, an Official Plat; AND, Parcel E as shown by the Plat of Survey recorded on November 13, 2001 in Book 9060, at Page 373, and located within Lot 6 of the Official Plat of Section 16 Township 78 Range 24 West of the 5th P.M., an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa (herein referred to as the "Property").

from the "C-1" Neighborhood Retail Commercial District to a Limited "C-2" General Retail and Highway Oriented 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:

Only the following uses of structures and land shall be permitted upon the Property:

- a) Any use permitted in and as limited in the "C-1" Neighborhood Retail Commercial District; and,
- b) Liquor store for sale of alcoholic beverages within that portion of the Property locally known as 2424 SW 9th 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-2" 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

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|----------|--------|
| COWNIE | ✓ | | | |
| COLEMAN | ✓ | | | |
| GATTO | ✓ | | | |
| GRAY | ✓ | | | |
| HENSLEY | ✓ | | | |
| MAHAFFEY | ✓ | | | |
| MOORE | ✓ | | | |
| TOTAL | 7 | | | |
| MOTION CARRIED | | | APPROVED | |

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 City Clerk