



Roll Call Number

14-1405

Agenda Item Number

41

Date September 8, 2014

RESOLUTION HOLDING HEARING ON REQUEST FROM RONNIE AND NANCY EIVINS (OWNERS) TO REZONE PROPERTY LOCATED AT 126 EAST 28TH COURT FROM "M-1" LIGHT INDUSTRIAL DISTRICT TO "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT, TO ALLOW THE EXISTING SINGLE-FAMILY DWELLING TO BE A PERMITTED USE

WHEREAS, on August 25, 2014, by Roll Call No. 14-1292, the City Council received and filed the recommendation from the City Plan and Zoning Commission, by a vote of its members of 10-0, to **APPROVE** a request from Ronnie and Nancy Eivins (owners) to rezone property located at 126 East 28th Court ("Property") from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District, to allow the existing single-family dwelling to be a permitted use; and

WHEREAS, on August 25, 2014, by Roll Call No. 14-1292, it was duly resolved by the City Council that the application of Ronnie and Nancy Eivins (owner) to rezone the Property, as legally described below, be set down for hearing on September 8, 2014 at 5:00 P.M., in the Council Chamber at City Hall; and

WHEREAS, due notice of said hearing was published in the Des Moines Register, 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 Property located at 126 East 28th Court, legally described as:

Lot 64 of Block J in HARTLEY'S ADDITION TO GRANT PARK, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "M-1" Light Industrial District to "R1-60" One-Family Low-Density Residential District, to allow the existing single-family dwelling to be a permitted use.

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, any and all objections to the proposed rezoning of the Property to "R1-60" One-Family Low-Density Residential District are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to "R1-60" One-Family Low-Density Residential District is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.



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MOVED by Gatto to adopt.

FORM APPROVED:

Glenna K. Frank
Glenna K. Frank, Assistant City Attorney

(ZON2014-00127)

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