



Roll Call Number

14-1594

Agenda Item Number

36B

Date October 6, 2014

**RESOLUTION HOLDING HEARING ON REQUEST FROM MATTHEW CONNOLLY (PURCHASER) TO REZONE PROPERTY LOCATED AT 400 SOUTHEAST 7TH STREET AND 401 SOUTHEAST 6TH STREET FROM "M-1" LIGHT INDUSTRIAL DISTRICT TO "C-3B" CENTRAL BUSINESS MIXED USE DISTRICT, TO ALLOW MIXED-USE DEVELOPMENT WITH MULTIPLE-FAMILY RESIDENTIAL DWELLINGS**

**WHEREAS**, on September 8, 2014, by Roll Call No. 14-1366, the City Council received and filed the recommendation from the City Plan and Zoning Commission, by a vote of its members of 11-0, to APPROVE a request from Matthew Connolly, proposed purchaser, to rezone City-owned real property locally known as 400 Southeast 7th Street and 401 Southeast 6th Street ("Property") from "M-1" Light Industrial District to "C-3B" Central Business Mixed Use District, to allow mixed-use development with multiple-family residential dwellings; and

**WHEREAS**, on September 8, 2014, by Roll Call No. 14-1365, it was duly resolved by the City Council that the application of Matthew Connolly (purchaser) to rezone the Property, as legally described below, be set down for hearing on September 22, 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**, on September 22, 2014, by Roll Call No. 14-1512, City Council opened and continued said hearing to October 6, 2014 at 5:00 P.M.; 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 400 Southeast 7<sup>th</sup> Street and 401 Southeast 6<sup>th</sup> Street, legally described as:

Lots 9 and 10 of Block 42; and Lot 1 of Block 42; and Except Tract 3 Book 14139 Page 432, Lot 2 of Block 42; all in TOWN OF DE MOINE, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "M-1" Light Industrial District to "C-3B" Central Business Mixed Use District, to allow mixed-use development with multiple-family residential dwellings.

**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 and any statements of interested persons and arguments of counsel, any and all objections to the proposed rezoning of the Property

( continued )

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to "C-3B" Central Business Mixed Use District are hereby overruled, and the hearing is closed.

- The proposed rezoning of the Property to "C-3B" Central Business Mixed Use District is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

FORM APPROVED:

*Glenna K. Frank*

Glenna K. Frank, Assistant City Attorney

MOVED BY *Gatto* TO ADOPT.

(ZON2014-00132)

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