



Roll Call Number

15-0238

Agenda Item Number

44

Date February 9, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM WESLEY COMMUNITY SERVICES, INC. (OWNER), REPRESENTED BY ROB KRETZINGER (OFFICER), TO REZONE PROPERTY LOCATED AT 944 18TH STREET FROM "C-0" COMMERCIAL-RESIDENTIAL DISTRICT TO LIMITED "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT

WHEREAS, on January 26, 2015, by Roll Call No. 15-0106, the City Council received and filed a communication from the City Plan and Zoning Commission stating that its members voted 10-0 in support of a motion to recommend **APPROVAL** of a request from Wesley Community Services, Inc. (owner), represented by Rob Kretzinger (officer), to rezone real property locally known as 944 18th Street ("Property") from "C-0" Commercial-Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow "C-0" District permitted uses and limousine/taxi dispatching use only, subject to the owner agreeing to the following conditions:

1. The Property shall be brought into conformance with the City's Landscaping Standards for the "C-2" District;
2. Any trash enclosure shall be constructed of masonry walls with solid steel gates; and
3. Use of the Property shall be limited to permitted uses in the "C-0" Commercial-Residential District and limousine/taxi dispatching use; and

WHEREAS, on January 26, 2015, by Roll Call No. 15-0106, it was duly resolved by the City Council that the application of Wesley Community Services, Inc. (owner) to rezone the Property, as legally described below, be set down for hearing on February 9, 2015 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 944 18th Street, legally described as:

The South 3.5 feet of Lot 16, all of Lots 17, 18, 19, 20 and 21, and the East ½ of the north-south alley lying west of and adjacent to said South 3.5 feet of Lot 16 and all of Lots 17 through 21 inclusive, all in BUTLER'S ADDITION TO DES MOINES, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa

from "C-0" Commercial-Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow "C-0" District permitted uses and limousine/taxi dispatching use only, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of

(continued)

★ Roll Call Number

15-0238

Agenda Item Number

44

Date February 9, 2015

-2-

Rezoning Ordinance in writing by the owner of the Property, which is binding upon the owner and its successors, heirs and assigns.

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 and all statements of interested persons and arguments of counsel, any and all objections to the proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above are hereby overruled, and the hearing is closed.
2. The proposed rezoning of the Property to Limited "C-2" General Retail and Highway-Oriented Commercial District with conditions as set forth above is hereby approved, subject to final passage of an ordinance rezoning the Property as set forth herein.

MOVED BY Hensley TO ADOPT.

FORM APPROVED:

Glenna K. Frank

Glenna K. Frank, Assistant City Attorney

(ZON2014-00233)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	7			

MOTION CARRIED

APPROVED

T. M. Franklin Cownie
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