

Date February 9, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM PERCOL HOLDINGS, LLC (OWNER), REPRESENTED BY JULIAN CASELLI (OFFICER), TO REZONE PROPERTY LOCATED AT 4006 GRAND AVENUE FROM "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT AND "R1-80" ONE-FAMILY RESIDENTIAL DISTRICT TO LIMITED "C-0" COMMERCIAL-RESIDENTIAL DISTRICT

WHEREAS, on January 26, 2015, by Roll Call No. 15-0108, 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 PerCol Holdings, LLC (owner), represented by Julian Caselli (officer), to rezone real property locally known as 4006 Grand Avenue ("Property") from "R-3" Multiple-Family Residential District and "R1-80" One-Family Residential District to Limited "C-0" Commercial-Residential District, to allow conversion of the existing multiple-family residential dwelling to a professional office use, subject to the owner agreeing to the following conditions:

1. Any future additions, exterior building modifications or site improvements on the Property shall conform to the U.S. Secretary of Interior's Standards for Rehabilitation as approved by the Planning Administrator, and Community Development staff will request courtesy review and comments from the Des Moines Historical Preservation Commission prior to issuance of permits;
2. Any additions shall be constructed to the rear of the existing primary building on the Property; and
3. Any detached accessory structures or trash enclosures shall be constructed in the rear yard of the Property; and

WHEREAS, on January 26, 2015, by Roll Call No. 15-0108, it was duly resolved by the City Council that the application of PerCol Holdings, LLC (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 4006 Grand Avenue, legally described as:

Lot 1 in BRAY PLACE, an Official Plat, now included in and forming a part of the City of Des Moines, Iowa, except that portion of said Lot 1 of BRAY PLACE which adjoins Lots 2 and 3 of said BRAY PLACE, bounded as follows: Beginning at a point on the boundary line between said Lots 1 and 3 of BRAY PLACE, thence 3 feet northeasterly at a right angle to the east lot line of Lot 3, thence at a right angle northwesterly on a straight line parallel with the boundary line



Roll Call Number

15-0241

Agenda Item Number

45

Date February 9, 2015

-2-

between said Lots 1 and 3 until said straight line intersects with the west line of said Lot 1, thence south and southeasterly along the boundary line between said Lots 1 and 2 and Lots 1 and 3 to the point of beginning

from "R-3" Multiple-Family Residential District and "R1-80" One-Family Residential District to Limited "C-0" Commercial-Residential District, to allow conversion of the existing multiple-family residential dwelling to a professional office use, subject to the conditions stated above as agreed to and accepted by execution of an Acceptance of 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-0" Commercial-Residential 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-0" Commercial-Residential 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

(ZON2014-00229)

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