



Roll Call Number

15-0614

Agenda Item Number

42B

Date April 6, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM R&S LAND HOLDINGS, LLC (OWNER) TO REZONE PROPERTY LOCATED AT 2052 ANKENY AVENUE FROM "R1-60" ONE-FAMILY LOW-DENSITY RESIDENTIAL DISTRICT TO LIMITED "C-2" GENERAL RETAIL AND HIGHWAY-ORIENTED COMMERCIAL DISTRICT

WHEREAS, on March 23, 2015, by Roll Call No. 15-0498, the City Council received a recommendation from the City Plan and Zoning Commission advising that at a public hearing held on March 5, 2015, its members voted 9-0 in support of a motion to recommend APPROVAL of a request from R&S Land Holdings, LLC (owner), represented by Ron Holt (officer), to rezone real property locally known as 2052 Ankeny Avenue ("Property") from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the adjoining commercial animal feed store and garden center, subject to the owner agreeing to the following conditions:

- 1. The following uses shall be prohibited on the Property:
a) Adult entertainment businesses;
b) Businesses selling liquor, wine, or beer;
c) Delayed deposit services;
d) Off-premises advertising signs;
e) Pawn brokerages; and
f) Vehicle display lots; and
2. Redevelopment of the Property for any commercial use or purpose shall only be permitted as part of a Site Plan approval by the Permit and Development Center, whereby any commercial site is brought into compliance with the current Des Moines Landscaping Standards as applicable to "C-2" Districts; and

WHEREAS, on March 23, 2015, by Roll Call No. 15-0498, it was duly resolved by the City Council that the application of R&S Land Holdings, LLC (owner) to rezone the Property, as legally described below, be set down for hearing on April 6, 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 locally known as 2052 Ankeny Avenue, legally described as:



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-2-

Lot 32, and the South 1/2 of the vacated alley right-of-way lying North of and adjoining said Lot 32, READ'S ADDITION TO DES MOINES, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa.

from "R1-60" One-Family Low-Density Residential District to Limited "C-2" General Retail and Highway-Oriented Commercial District, to allow expansion of the adjoining commercial animal feed store and garden center, 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 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 Gatto TO ADOPT.

FORM APPROVED:

Glenna K. Frank, Assistant City Attorney

(ZON2015-00027)

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.

Table with 5 columns: COUNCIL ACTION, YEAS, NAYS, PASS, ABSENT. Rows include COWNIE, COLEMAN, GATTO, GRAY, HENSLEY, MAHAFFEY, MOORE, and TOTAL. Includes MOTION CARRIED and APPROVED labels.

Signature of official

Signature of Diane Rauh, City Clerk