



Roll Call Number

15-0618

Agenda Item Number

43B

Date April 6, 2015

RESOLUTION HOLDING HEARING ON REQUEST FROM GRAND OAKS CONDOMINIUMS TO REZONE PROPERTY LOCATED AT 4341 AND 4345 GRAND AVENUE FROM "R1-80" ONE-FAMILY RESIDENTIAL DISTRICT TO "R-3" MULTIPLE-FAMILY RESIDENTIAL DISTRICT

WHEREAS, on March 23, 2015, by Roll Call No. 15-0496, the City Council received and filed a communication 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 DENIAL of a request from Grand Oaks Homeowners Association, Inc., also known as Grand Oaks Condominiums, represented by Megan Carson (officer), to rezone a portion of the real property locally known as 4341 and 4345 Grand Avenue ("Property") from "R1-80" One-Family Residential District to "R-3" Multiple-Family Residential District, to allow the north 100 feet of the Property fronting 44th Street to be divided off and developed with multiple-family residential dwellings; and

WHEREAS, on March 23, 2015, by Roll Call No. 15-0496, it was duly resolved by the City Council that the application of Grand Oaks Homeowners Association, Inc., to rezone the Property, legally described as follows, be set down for hearing on April 6, 2015 at 5:00 p.m. in the Council Chambers at City Hall:

Lots 7 and 8, BURKE-WOOD, an Official Plat, now included in and forming a part of the City of Des Moines, Polk County, Iowa; 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 rezoning; 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.

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 comments for and against the proposed rezoning of the Property to "R-3" Multiple-Family Residential District, to allow the north 100 feet of the Property fronting 44th Street to be divided off and developed with multiple-family residential dwellings, are hereby received and filed, and the hearing is closed.

Alternative A

MOVED by Coleman to adopt and DENY the proposed rezoning, and to make the following findings of fact regarding the proposed rezoning:

- a. The City Plan and Zoning Commission voted 9-0 to recommend denial of the requested rezoning of the Property to "R-3" Multiple-Family Residential District, to allow the north 100 feet of the Property fronting 44th Street to be divided off and developed with multiple-family residential dwellings.
- b. The proposed rezoning is not in conformance with the existing Des Moines' 2020 Community Character Plan future land use map, and the City Plan and Zoning Commission voted 9-0 to approve the staff recommendation that the proposed rezoning not be found in conformance with said Plan.
- c. The proposed rezoning is not in conformance with the surrounding residential neighborhood and risks increasing traffic congestion and causing traffic safety issues in the area.
- d. If the application of the existing zoning regulations has the effect of denying the owner all economic use of the Property, then the appropriate remedy is to seek relief from the Zoning Board of Adjustment.

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Alternative B

MOVED by \_\_\_\_\_ to continue the public hearing until April 20, 2015, at 5:00 p.m. in the Council Chambers, and to direct the City Manager and Legal Department to prepare the necessary legislation to APPROVE the rezoning subject to conditions acceptable to the City and the owner.

FORM APPROVED:

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

(ZON2015-00029)

NOTE: Six affirmative votes are required to approve the proposed rezoning due to the Commission's recommendation for denial. Des Moines City Code §134-4.

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO	✓			
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	6			1
MOTION CARRIED			APPROVED	

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.

Chilton L. Healy  
Mayor

Diane Rauh  
City Clerk